

THE CITY OF ROCKVILLE PLANNING COMMISSION

ROCKVILLE'S PIKE PLAN

Meeting 05-11

T R A N S C R I P T

O F

P R O C E E D I N G S

ROCKVILLE CITY HALL

Rockville, Maryland

March 9, 2011

BEFORE:

JOHN TYNER, Chairman

DAVID HILL, Commissioner

DON HADLEY, Commissioner

JERRY CALLISTEIN, Commissioner

DION TRAHAN, Commissioner

KATHLEEN COOK, Commissioner

KATE OSTELL, Commissioner

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OTHERS PRESENT:

DAVID LEVY, Staff

CINDY KEBBA, Staff

SUSAN SWIFT, Staff

MAYRA BAYONET, Staff

CRAIG SIMONEAU, Staff

MARCY WAXMAN, Senior Assistant City Attorney

TYLER TANSING, Planning Commission Secretary

ANDREW GUNNING, Planning Commission Staff Liason

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P R O C E E D I N G S

CHAIRMAN: Okay, David, go with Staff presentation, if you please.

MR. LEVY: Thank you, Chairman Tyner, and the rest of the Planning Commission. Good evening, we're happy to be here today where the game is on and we're happy to be here finally to listen to the public input on the draft plan. Ms. Kebba and I are sitting up here, but we've got a much broader team than that, as you know. Of particular note is Mayra Bayonet, who's been on the project since the very beginning. Obviously, Ms. Swift, and Andy Gunning, and Director of Public Works Craig Simoneau who is an integral part of the thinking and the work on this, as well as is Emad Elshafei. So, I wanted to make sure that everybody knew that we've got a full team that's ready to work with you over the next bunch of months, and we will do so.

What we're going to do this evening I'm going to turn it over to Ms. Kebba who's going to give an overall presentation on the plan, you guys have heard it, but it's to help to set backdrop for you, again, and also for the public in advance the public hearing. Chairman Tyner also wanted us to discuss the calendar at the end of that presentation, then we'll move into the public hearing itself. So, without further ado, Ms. Kebba.

MS. KEBBA: Thank you very much. As everyone has

1 already alluded to this plan already has some history behind  
2 it. It was 2006 when the Mayor and Council directed Staff to  
3 revisit and update the City's 1989 plan for the Rockville  
4 Pike Corridor. And then in 2007 the Mayor and Council  
5 directed Staff, or approved a contract with ACP Visioning and  
6 Planning to develop a new plan. ACP has been responsible for  
7 the overall management of the project in conjunction with  
8 Staff. At the time that the contract was signed, and for the  
9 first couple of years ACP's subcontractors were Glatting  
10 Jackson and Economics Research Associates. Each of those  
11 companies has since been acquired by AECOM, and AECOM  
12 continues to be the focus, their focus continues to be on the  
13 transportation components and economic analysis. Kim  
14 Littleton who has been associated with ACP for a long time,  
15 too, wrote the form code, which you know as Chapter 6, and is  
16 the regulating code for the plan.

17           Members of the consulting team have been here  
18 numerous times to talk with both you and the public, and  
19 we'll be seeing them all again as we work through the work  
20 sessions after tonight's public hearing, and next week's  
21 continuation of the public hearing.

22           The planning area is about 2.2 miles long, and  
23 encompasses about 410 acres. The northern boundary is  
24 Richard Montgomery Drive, and it goes -- the southern  
25 boundary is Bou Avenue just south of the City limits. And

1 this is pretty much comparable to the 1989 plan, and  
2 correlates with Planning Area 9.

3           This is just kind of the table of contents of the  
4 plan. There's an Executive Summary, Seven Chapters, Five  
5 Appendices, hopefully everybody has gotten a chance to take a  
6 look at it. There's the website shown right there where you  
7 can download it or take a look at it. It's  
8 [www.rockvillemd.gov/rockvillespike](http://www.rockvillemd.gov/rockvillespike). We also have CDs  
9 available at City Hall at the CPDS counter. They're  
10 available for free if somebody would like to look at it that  
11 way. And we have hard copies at City Hall, as well as at the  
12 two public libraries in Rockville.

13           A strong emphasis on community input was built into  
14 this plan through the RFP process, and through the contract  
15 with ACP, and the public process was designed by City Staff  
16 and the consulting team to encourage collaboration and  
17 information sharing among all the stakeholders. The idea was  
18 to combine the local knowledge of the people who live, work,  
19 and own property in Rockville, with the technical expertise  
20 of the consultants.

21           The public input during that research and data  
22 gathering phase that was in 2007-2008 led to these 10  
23 development principles, which are described more fully in  
24 Chapter 4 of the plan. And these are just, these are  
25 statements that describe how the community felt the physical

1 environment of the plan area should be treated in the future,  
2 and they were the foundation for the consulting team in  
3 developing the plan.

4           Staff reviewed three preliminary drafts of the plan  
5 between 2008 and 2010 before the draft for Planning  
6 Commission Public Hearing, this one that we're talking about  
7 tonight, was released on December 29th, 2010, and the public  
8 record was opened that same day. On January 5th Staff sent  
9 the draft plan to the required public agencies to commence  
10 the 60-day review and comment period that's required by law  
11 before a public hearing can be held on a master plan  
12 amendment. The Rockville Pike Plan would be, if it is  
13 adopted it would be an amendment to the City's Comprehensive  
14 Plan.

15           Members of the consulting team were here again in  
16 January and February of this year to talk about the plan on  
17 two occasions, and also two presentations of the form code.

18           Since the fall City Staff has met with neighborhood  
19 and community groups, and organizations, City boards and  
20 commissions, property and business owners, several public  
21 agencies at different levels, and other stakeholders, both  
22 before the plan was released to let them know it was coming  
23 out, as well as since the release of the plan to talk about  
24 the major recommendations and how to give comments. We've  
25 also used other methods of outreach, as many as we could

1 think of just to get the word out that the Rockville Pike,  
2 there is a Rockville Pike Plan interest group that was  
3 developed several years ago. We've used channel 11,  
4 Rockville Reports, press releases, we've tried to really get  
5 the word out before the plan came out and since then. And we  
6 did include some samples of that as Appendix C in your  
7 briefing materials.

8           Recommendations of the plan, of course, range from  
9 broad to specific. Most of the land use and transportation  
10 or infrastructure recommendations are fundamentally  
11 intertwined in the plan, but often they are discussed  
12 separately just for clarity sake. Examples of land use  
13 recommendations include making the Pike more walkable;  
14 bringing buildings up to the sidewalks; relating building  
15 form and heights to their street frontage, which is part of  
16 the form code; providing more open space; treating the Pike  
17 itself as public space, important public space to the area;  
18 mixing land uses. Examples of some of the infrastructure  
19 recommendations, making transit more accessible; the multi-  
20 way boulevard concept, which I'll get into a little bit more  
21 in a minute; and adding street network. And then the  
22 policies and implementation steps primary are to adopt the  
23 plan, of course; adopt the form code that would be the  
24 regulating tool to implement the plan; adopting funding and  
25 economic strategies; considering potential amendments to the

1 congestion management provisions of the City's APFO;  
2 establishing partnerships; conducting engineering studies;  
3 those would all be steps that would follow adoption of the  
4 plan.

5           And all the recommendations work toward the main  
6 goals of better balancing travel modes; strengthening the  
7 Pike's economic position regionally; and just creating a  
8 place where people want to be.

9           This is a depiction of the core recommendation of  
10 the plan, this is the multi-way boulevard that's recommended,  
11 and a multi-way boulevard is really meaning that multiple  
12 modes of transportation can use the roadway efficiently and  
13 safely. In this concept the through traffic is in the center  
14 lanes moving faster, it's the regional traffic separated from  
15 the local traffic. So, bicycles and pedestrians are  
16 separated from fast moving traffic. In this case buses and  
17 bicycles share an outer access lane. There's a slower moving  
18 traffic lane in the access lanes. And then trees and parking  
19 separate the slow moving from the fast moving traffic.

20           As we're all aware, and as Staff is aware, this  
21 cross-section does differ from the two cross-sections that  
22 are in the White Flint Sector Plan that was approved about a  
23 year ago. We have been talking with many public agencies  
24 about that, everybody has been engaged in conversation about  
25 that. We realize this is a regional effort, the whole



1 Rockville Pike is not just Rockville, and we'll be having  
2 further discussions as we go forward.

3 Another important infrastructure recommendation is  
4 expanding the street network. For the purposes of this plan  
5 the Pike Plan area is divided into the North Pike, Middle  
6 Pike, and South Pike, and the South Pike is the area where  
7 there's the most potential for adding streets, just because  
8 there's fewer physical constraints. The purpose of adding  
9 streets is to increase connectivity and movement choice in  
10 the area; to provide alternatives for movement other than the  
11 Pike; to make more developable blocks, a more regular pattern  
12 of developable blocks; and better spaced intersections for  
13 pedestrian crossing.

14 As I've mentioned earlier the Rockville Pike  
15 District Form Code is Chapter 6 of the plan. A form code is  
16 just a type of zoning that's focused more on controlling  
17 physical form and less on land use, which is what  
18 conventional zoning has typically focused on. As we learned  
19 from Kim Littleton's presentation last month, there are  
20 different types of form codes. The one proposed in this plan  
21 is a street frontage based code, which is where the colors  
22 come in. Each of the streets is color coded, and the  
23 buildings that front on those streets are then regulated by  
24 height and building placement according to which streets  
25 they're on. So, for example, the orange streets closest to

1 the Metro station have the highest height. Streets, for  
2 instance, the yellow, as you can see that, have the lowest  
3 height being closest to residential areas.

4 This is how to review the draft plan. If anybody  
5 here hasn't done that yet I went over that before. You can  
6 go to the website, we have the CDs available here at City  
7 Hall, and there are hard copies available at City Hall and at  
8 the libraries.

9 And this, I'm sure everybody knows, too, but since  
10 you're here, how to give testimony on the plan. Of course,  
11 we have the public hearing tonight, which will be continued  
12 next Wednesday night, March 16th, but you can also e-mail or  
13 write, send your copies in writing, and the record closes May  
14 27th, so you have a long time to do that.

15 And then I think David is going to go over the  
16 schedule a little bit for how we record.

17 CHAIRMAN: Thank you very much, Cindy. Before I do  
18 that, I was remiss in not asking Staff that we have  
19 appropriately advertised this public hearing, and it's  
20 consistent with all the 66B requirements, and what not?

21 UNIDENTIFIED SPEAKER: Yes, sir, Chairman Tyner.

22 CHAIRMAN: I wrote myself a note and forgot to read  
23 it. So, anyway, just to make sure we have that. Thank you.

24 MR. LEVY: Okay. Okay.

25 CHAIRMAN: Any comments or (indiscernible) from

1 folks or Cindy? Okay.

2 MR. LEVY: I would encourage the public, though, as  
3 Ms. Kebba said, to go onto the website, take a look at it,  
4 there is more time to give comments, and we definitely are  
5 looking forward to them.

6 The calendar that we've got up on the screen is a  
7 result of the conversation with you, Commissioners, of  
8 February 23rd, which was a follow up to prior conversations,  
9 and we spoke this afternoon with Chairman Tyner, as well,  
10 which in form which you've got in front of you. What we  
11 understood from the last conversation was to be less time  
12 constrained, and more focused on making sure that the  
13 calendar gives the space that you need to cover all the  
14 topics that you're going to wish to cover. And so, that is  
15 what this is attempting to project right now. I can more  
16 briefly through the calendar, obviously, today is the first  
17 day public hearing, second day is next week. We would  
18 propose on April 27th to start with our first work session,  
19 which would be a discussion of the plan goals, the visions  
20 that are discussed, the principles, and the first cut of the  
21 land use recommendations, the core of what's in Chapter 5, as  
22 well. And Gianni Longo would join us for that, and  
23 potentially Kim Littleton, as well, we haven't confirmed that  
24 for the code component. But Mr. Longo is available on that  
25 day, and so if we can nail that down we can get started on

1 that.

2           We would then propose, so we would have discussed  
3 the principles and the goals and the visions off of which the  
4 core recommendations of the plan are to be, were elaborated  
5 upon, and so we would then propose to move into the  
6 transportation discussion to discuss the infrastructure. One  
7 reason to do that is that the code, the regulating code is  
8 proposed to interact with the transportation infrastructure,  
9 and so if we can sort of really get into the nitty-gritty of  
10 what's being proposed on the infrastructure side we can then  
11 tee off on the code discussions after that. So, that -- and  
12 with AECOM we haven't yet confirmed, but we are working to do  
13 so that our AECOM consultant can join us on that day, but we  
14 think we've got that question in.

15           Then we discussed with Chairman Tyner today, and we  
16 think there's going to be a role to discuss transportation  
17 with the various institutions and agencies that are relevant  
18 to the Pike, as well, whether that's that second day or the  
19 next one, but we think there's likely to be a desire on your  
20 part to hear from Maryland Department of Transportation,  
21 Montgomery County Transit administrators, as well. We will  
22 see their written testimony. In fact, earlier today we got  
23 Maryland Department of Transportation's just about two hours  
24 ago. So, don't have it, that just came in.

25           So, that takes us through May 25th. The decision

1 from the last time then closes the record on May 27th. We'll  
2 just put a note right there. That's where that's put. And  
3 then the next session on transportation would be one where  
4 we've taken everything we've gotten, assuming we're done,  
5 assuming that we will come together as Staff with you, and  
6 I -- all of us Staff, Public Works, as well, to get as close  
7 as we can to a decision on various points. Obviously,  
8 subject to your desire to do more, potentially. But this is  
9 where we think we can schedule for now.

10           Then we move into the code and the land use side.  
11 Based on a conversation with Commissioner Tyner this  
12 afternoon we've put in three placeholders for the code  
13 discussion, one of which would include the consultant Kim  
14 Littleton, we would expect the first one, so we can get  
15 started on that and then we can tee off from there.

16           Then we would do a session on the implementation  
17 session, financing, any phasing discussions we would want to  
18 have. So, we've got one place there, again, it depends on  
19 how the conversation goes, but that would be there. You'll  
20 note that that one has an asterisks next to it, as an initial  
21 proposal, which we've all discussed as Staff that instead of  
22 doing it on August 10th, you know, you've got to have one a  
23 month, that instead of doing it August 10th we'd probably get  
24 a higher yield of everybody who needs to be here by holding  
25 the one on August 3rd instead of the 10th, trying to be

1 prudent, but you don't have to decide that now, but it's our  
2 Staff recommendation, give people some August to breathe a  
3 little bit.

4           Then we would come back after the summer break on  
5 the 14th to have final discussions and instructions, wrap up  
6 outstanding issues, and your final direction to Staff, which  
7 we would then go and write up in a memorandum that details  
8 everything that you've given us as direction, and which  
9 hopefully we've been sort of going at, you know, getting  
10 decision as we go, so it's not all on that last day, we will  
11 have wrapped up a series of all the decisions made.

12           A few of you have discussed in prior sessions, and  
13 again, Chairman Tyner raised it in the conversation this  
14 afternoon of the potential to re-open the public record, and  
15 we discussed when that might be. Our view is that if you  
16 were to do it that might be the right time when the public  
17 would have something to look at, to review. So, we've got a  
18 memorandum that expresses the direction that you've given up  
19 to that point, and that would be the moment that folks could  
20 actually read something and react to it.

21           So, we've got this in here, it's for your decision  
22 about whether you want to leave this on your permanent  
23 schedule or make a decision later per your earlier comments,  
24 Chairman Tyner. We would then potentially have a public  
25 hearing, again, at your decision, if you wanted to do that,

1 but certainly written comments would be highly encouraged.  
2 And then we'd close the public record, and then we would have  
3 another session or two to see, to take into account what we  
4 heard, and any final direction that you make to do the final  
5 memorandum that would encompass all your decisions. So,  
6 that's what this is all about. Be happy to hear your  
7 discussion and direction.

8           CHAIRMAN: I think the schedule was expanded  
9 because I think we have a lot more work involved than many of  
10 us had thought at the beginning, and it really is going to  
11 depend on what we hear from the public. This plan is just a  
12 plan, and there are already several alternatives we might be  
13 able to do with it, and I'm sure we have a very vocal group,  
14 some of whom are sitting in the room tonight that we will  
15 hear from. And I would suspect that our work sessions will  
16 be very intensive because there are all sorts of different  
17 ways you can go. We also have the opportunity,  
18 Commissioners, to invite folks to come to us during those  
19 work sessions on specific items that we had. As I recall,  
20 Kate and David that when we did Rosar (phonetic sp.) we  
21 invited the venture capitalists in when we were talking  
22 financing. The sorts of things we need to really know on the  
23 background of some of the possibilities that will come  
24 forward.

25           And also, I raised the issue that, you know, we

1 have a task force working on APFO, there would be some things  
2 that are going to come out of that, perhaps, and we may need  
3 to invite them at some point to see if they have any thoughts  
4 and ideas that we might need to think about as we go through  
5 all of this process here.

6           After considerable discussion with various Staff  
7 members based on what we talked about before, I think this  
8 gives us a good spread of time to not only work on and digest  
9 what the public has said, but also what our thoughts and  
10 ideas are. Do you have some comments anybody?

11           COMMISSIONER HILL: I would observe that we, I  
12 think we have the May 27th date in here with the idea that we  
13 would be finishing work session work in June or July. I am  
14 fine with closing the public record open if we agree that we  
15 have a, we re-open it as you've laid out I think is okay, but  
16 it wasn't -- we seem to have kept that one date and moved  
17 things around it (indiscernible).

18           MR. LEVY: Actually, the last set of dates it  
19 actually had the third work session being on May 25th, and so  
20 this was two days after the end of the last work session.

21           COMMISSIONER HILL: Right.

22           MR. LEVY: So, I think that may be what you  
23 targeted. This may give, you know, because we've announced  
24 May 27th I think it probably would be awkward to move it back  
25 earlier, but we can just leave it where it is.



1           COMMISSIONER HILL: Right. The principle you're  
2 working off at that point, I believe, is that we would keep  
3 it open during all the work sessions, and that's not, I don't  
4 see that here, but by re-opening it after the point that the  
5 public has something to react to I think we service the  
6 intent that we were after in the process. So, if that --

7           CHAIRMAN: I would hope that we would, the first  
8 set of public hearings would give us all the feedback that we  
9 would need to do our work sessions so we're not looking at a  
10 shifting sands as we're going through stuff. But once we  
11 make some decisions based on everybody's input it would be  
12 good for the public to be able to comment again on what we  
13 have done, not go back and reinvent the wheel from the  
14 original plan, but from what has come forward. I think  
15 sometimes in the past that's been missing, it's something I  
16 think we should be able to do here. So -- K.C., this is your  
17 time to say something, a greeting to everybody.

18           MS. COOK: Thanks. Thanks for having me.

19           CHAIRMAN: Okay. See that, she's well schooled.  
20 All right. Anything else, David, for Staff purposes?

21           MR. LEVY: By your leave, you know, we want to put,  
22 communicate this to the public, so if the Planning Commission  
23 wishes to go with this as the public schedule we will put it  
24 up for people to look at, unless you have any other comments.

25           CHAIRMAN: It's subject to revision as we go on

1 through, so I just think it'd be a good idea that as we start  
2 this public process, not just the hearings, but the input at  
3 all, that we see what the template is for what we're doing.

4 MR. LEVY: Okay. Of particular importance for us  
5 just on a logistical matter is that we can nail down some  
6 specific dates so we can get our consultants in, and we can  
7 schedule the agency reps in particular. So, you know, if we  
8 can kind of nail down April 27th in particular, and do what  
9 we can not to change that, and if we can start to schedule  
10 public agencies, as well. That will be subject to their  
11 availability for those days. But we'll come back on the  
12 23rd, perhaps, and have a -- but we'd like to really get as  
13 close to finalizing this subject to what happens in the work  
14 sessions --

15 CHAIRMAN: Right.

16 MR. LEVY: -- themselves.

17 COMMISSIONER HILL: Would you like a motion that we  
18 move on by acclimation here?

19 CHAIRMAN: I think that would be great, if you'd --

20 COMMISSIONER HILL: Okay. I'll move that we  
21 approve the schedule as written through mid-June, including  
22 the dates for consultant scheduling, and that we express our  
23 support for the schedule as represented beyond that, and  
24 we'll re-visit it after that date.

25 UNIDENTIFIED COMMISSIONER: I'll second that.

1 CHAIRMAN: Moved and seconded. Any further  
2 comment? All in favor?

3 (A chorus of ayes was heard.)

4 CHAIRMAN: Super. Thank you. Okay.

5 UNIDENTIFIED COMMISSIONER: Ms. Swift has a  
6 question.

7 CHAIRMAN: I just wanted to comment to my  
8 colleagues that this is the Pike Plan. In addition to  
9 everything else that we'll be doing at the same time. So,  
10 okay. Susan?

11 MS. SWIFT: My question would be how would you like  
12 us to address whether or not there will be another public  
13 hearing at the end of the process, because we would like to  
14 give everyone as much notice as what the full process will  
15 be, even if we can't give them the dates, as much information  
16 on how many chances they'll have as possible. So, if we  
17 could get an intent on whether or not you will want that end  
18 of the process public hearing, or not, I think that would be  
19 really helpful to the public to know whether they had another  
20 chance or not.

21 CHAIRMAN: I would observe that this is a very  
22 logical layout of the best way to cover all the material.  
23 Dates might change, but I do think it's my personal opinion  
24 that it's important for the public to have an opportunity to  
25 in effect give us feedback on what we finally come up with,

1 and I'm assuming that will be whenever we get the 100 page  
2 Staff report on wrapping up things we've talked about, you  
3 know, that's what the public hearing would be on, on our  
4 actions, and not going back to the original plan, because we  
5 will have already hassled through all of that.

6 MS. SWIFT: So --

7 CHAIRMAN: And if everybody agrees with that for  
8 now --

9 UNIDENTIFIED COMMISSIONER: Yes.

10 CHAIRMAN: -- functionally --

11 MR. LEVY: Would your intent be to have an oral  
12 public hearing, or just written testimony at that time, or  
13 are you --

14 UNIDENTIFIED COMMISSIONER: Oral.

15 CHAIRMAN: Oral.

16 MS. SWIFT: Or do you want to --

17 CHAIRMAN: Oral.

18 MR. LEVY: Okay.

19 UNIDENTIFIED COMMISSIONER: I mean, this is --

20 MS. SWIFT: So, you will have a public hearing on  
21 the addendum, as such --

22 UNIDENTIFIED COMMISSIONER: Yes.

23 CHAIRMAN: Yes.

24 UNIDENTIFIED COMMISSIONER: Yes.

25 MS. SWIFT: Okay.

1 MR. LEVY: Okay. All right.

2 CHAIRMAN: Pretty much as you've written in here  
3 for that specific purpose of looking at what we've been  
4 doing.

5 MS. SWIFT: Thank you.

6 MR. LEVY: Great. Thank you very much.

7 CHAIRMAN: Okay.

8 MR. LEVY: Okay. That's all we have as Staff. I  
9 think we are ready to move on to the public hearing portion  
10 of the public hearing.

11 CHAIRMAN: Okay. Any other comments? We have a  
12 list of people who have phoned in ahead of time, and we will  
13 be touching base with them. We have another list for if  
14 there's anybody who has not yet signed up on the form that  
15 was in the back of the room please do so while we're  
16 listening to these speakers. And of course, we realize there  
17 will always be speakers that will want to talk to us as the  
18 spirit moves them, but to the extent that we can have it on  
19 the written record the better off we will all be.

20 MR. LEVY: From --

21 CHAIRMAN: And I -- yes, sir?

22 MR. LEVY: I'm sorry. Just as a matter of  
23 protocol, we will be taping, this is all taped, and it will  
24 be produced in a transcribed format, as will March 16th.

25 CHAIRMAN: Right. Thank you. We will be doing our

1 five minutes for organizations and what not, three minutes  
2 for individuals, Commissioners are free to ask questions at  
3 any time while we're doing the -- after the individual, or  
4 organization has made their presentation. So, it's not three  
5 minutes and five minutes, that's all you get, sit down, it  
6 depends on whether the Commissioners would like to as they  
7 say extend the remarks. All right. With that I see our  
8 first speaker for the Rockville Pike Plan is on deck,  
9 standing ready to go. Barbara Sears, please, representing  
10 Woodmont (phonetic sp.) Country Club.

11 MS. SEARS: Mr. Chairman, before we get started I  
12 wanted to point out to the Commission that John Eisen  
13 (phonetic sp.), the second speaker, was also going to speak  
14 tonight on behalf of Woodmont Country Club, and he was not  
15 able to be here. He's the Eisen Group Land Planner, and he  
16 was going to address a couple of form code suggestions and  
17 issues. So, we're going to submit his in writing because of  
18 his --

19 CHAIRMAN: Okay.

20 MS. SEARS: -- unavailability. So, I wanted to let  
21 you know for your schedule.

22 CHAIRMAN: We have the option for next week, too.

23 MS. SEARS: That's true. Yes.

24 CHAIRMAN: So --

25 MS. SEARS: I'll have to speak with him. But good

1 evening, my name is Barbara Sears of the Law Firm of Linowes  
2 and Blocher, and I'm representing Woodmont Country Club. We  
3 thank the Planning Commission for its vision and many efforts  
4 to date in pursuing a plan to transform Rockville Pike into  
5 an attractive, prosperous, and walkable area. Our testimony  
6 will address two basic issues, first, the request for  
7 clarification in the wording of the plan with regard to a  
8 recommendation for a B Street parallel to Rockville Pike, and  
9 the possible extension of Jefferson Street. Second, the  
10 development regulations of the form code as they pertain to  
11 block, lot, and floor plates.

12           First, let me emphasize that the Club has no plans  
13 to develop either the approximately 450 acres located outside  
14 the plan boundary zoned R-400, or the approximate nine acres  
15 along Rockville Pike within the plan boundaries which is  
16 proposed for the mix use form base zone.

17           Second, we endorse the proposed re-zoning of the  
18 Club's nine acre area within the plan boundaries. It is  
19 severable from the Club operations, warranted from a planning  
20 and zoning perspective, and will provide future flexibility  
21 should it be needed to potentially help maintain the Club.

22           Third, we ask that the language at page 5.17  
23 regarding the possible extension of a parallel B Street to  
24 Rockville Pike be clarified to provide that such an extension  
25 through the Club property is not being recommended for any

1 redevelopment to the north or south of the Club property, but  
2 would only be considered if development of Club property  
3 located within the plan is proposed.

4           Fourth, the language addressing the Jefferson  
5 Street extension at pages 5.18 and 5.25 needs to be clearer.  
6 It is critically important to the Club and to its members,  
7 this issue, that the plan should say that this extension will  
8 only be considered in conjunction with a re-zoning to a more  
9 intense use if the Club proposed redevelopment of a  
10 substantial portion of the Club property located outside the  
11 plan boundaries. The plan should also clearly state that  
12 development of the nine acres within the plan boundaries will  
13 not trigger the extension of Jefferson Street. We believe  
14 that given the severe adverse impacts such an extension, or  
15 even the uncertainty of a plan recommendation regarding the  
16 extension would have on the existing Club, clarity and  
17 certainty with regard to this recommendation is essential.

18           The Club has consistently participated in the  
19 extensive public process leading up to the draft. The points  
20 we have made with reference to the B Street and Jefferson  
21 Street are what the Club has understood to be the position of  
22 Staff and the consultants. Our efforts here go to making  
23 these points, making sure these points are incorporated and  
24 clearly expressed in the plan.

25           Finally, we believe that the maximum lot and block



1 dimensions and floor plate size applicable to the property,  
2 this is within the plan boundaries, the nine acres, should be  
3 modified to reflect the need to construct on larger lots with  
4 larger floor plates while still maintaining the desired  
5 building form in relationship to the street realm and  
6 appropriate street grid.

7           As I indicated, before your record closes we will  
8 submit our requests in writing, and Mr. Eisen's testimony  
9 about the floor plates and form base zoning. And we thank  
10 you very much for your consideration of our comments.

11           CHAIRMAN: Thank you, Barbara. Questions of Mrs.  
12 Sears?

13           COMMISSIONER TRAHAN: Hi, Ms. Sears. So, my  
14 question is if all the adverse impacts you just informed us  
15 of were to come to fruition, so worst case scenario of  
16 everything you described, what impact would that have, number  
17 one, on the Club, and secondly, why should the City be  
18 concerned if the issue is just limited to the Club?

19           MS. SEARS: Well, the Club, first of all, I think  
20 has been there for over 60 years, it is one of the largest  
21 land holders, and an excellent stewards of the land here in  
22 Rockville. It's been very pleased to work with Rockville  
23 throughout the years, and is very pleased to be a citizen  
24 here with Rockville. It is trying to protect the Club, which  
25 basically has, if we put up a picture of where the Club is

1 you'll see that it necks out to Rockville Pike. You see the  
2 little neck? That's the, basically the nine acres within the  
3 plan boundaries. The plan boundary comes parallel to  
4 Rockville Pike. And you will see that also, and you can't  
5 really see it from this map, but if you're familiar with the  
6 area the main entrance to the Club basically bisects that  
7 neck area. So, what they're talking about first is the B  
8 Street that would come up from the north -- from the south,  
9 through the property and connect to the north within the plan  
10 boundary, and that would bisect and cut off that main entry.  
11 We can understand if the mixed use area that's in the plan  
12 boundary redevelops, it's older or it's redeveloped by the  
13 Club, then we would need to obviously consider how to get  
14 access and change the access configuration.

15           The other issue is Jefferson Street, which is  
16 outside the plan boundary, but there is a, in the  
17 Transportation Section a proposed alignment, but the language  
18 is unclear that that alignment and the road itself cutting  
19 through would not be necessary, and that's our understanding,  
20 would not be necessary unless the Club itself, the major  
21 portion of the Club which has two golf courses, were in fact  
22 redeveloped away from a Club, a substantial part of it to  
23 some form of more intense zoning, then you may need a  
24 connection. And at that point it should be, only at that  
25 point it should be considered, otherwise you're going right

1 through the operations of the Club, and the impact it has on  
2 those operations, and hence the membership, and hence the  
3 whole facility, is enormous. And we had this issue  
4 addressed, and discussed in the 2002 comprehensive plan. The  
5 citizens in that area and the Club joined forces to discuss  
6 this in full with the City, and it was determined that that  
7 would be a trigger point, but up to that point it would not  
8 be necessary, and it would not be within anyone's interest to  
9 do that. So, that's basically where we were coming from.  
10 Okay. Thank you.

11 COMMISSIONER HILL: I think I'll open that for a  
12 minute, because I'm just --

13 CHAIRMAN: David.

14 COMMISSIONER HILL: I think what you're saying is  
15 you really don't want to see that street go through until  
16 more of the Club is developed, but wouldn't that street going  
17 through in terms of the grid design in this plan service  
18 those front nine acres of development if that happened?

19 MS. SEARS: Not through -- I guess there are two  
20 different streets, one is just the B Street, which is more or  
21 less a service street to the back of the development, and  
22 it's a way to get through if development occurred on that  
23 frontage. I'm not sure if I follow which street you're  
24 referring to.

25 COMMISSIONER HILL: The same one.

1 MS. SEARS: The B Street.

2 COMMISSIONER HILL: Yes.

3 MS. SEARS: Okay. Not Jefferson. Okay. And your  
4 question again? I'm sorry.

5 COMMISSIONER HILL: Well, it seems to me that you  
6 characterize it as that street would service the back of the  
7 developments there.

8 MS. SEARS: Well, I think the way the plan  
9 describes it is that a way to achieve, I guess I understood  
10 it as a way to achieve a grid and service any redevelopment  
11 of the nine acres would be to bring that street in, and  
12 consider it at that time. But absent the redevelopment of  
13 that nine acres that's in the plan it would not be a brought  
14 through.

15 COMMISSIONER HILL: Okay. All right. Thank you  
16 for --

17 MS. SEARS: And that's the point we're trying to  
18 make.

19 COMMISSIONER HILL: Okay. Thank you for  
20 clarifying. I understood that you were asking that not go  
21 through until more of the site was developed than just  
22 (indiscernible).

23 MS. SEARS: No. No, no.

24 COMMISSIONER HILL: Okay.

25 MS. SEARS: The other is linked to --

1 COMMISSIONER HILL: Okay. I got it.

2 (Indiscernible.)

3 MS. SEARS: -- the big, big Club, you know, and  
4 while the Club is operating it should not be a threat to the  
5 Club.

6 COMMISSIONER HILL: Okay. Thank you.

7 MS. SEARS: Thank you very much.

8 CHAIRMAN: Just a second. Jerry?

9 COMMISSIONER CALLISTEIN: I just have one question.  
10 I'm just a little confused about something. I'm looking at  
11 kind of the blow up of that picture where the neck sticks  
12 out.

13 MS. SEARS: Yes, the neck. Yes.

14 COMMISSIONER CALLISTEIN: That one, there's like,  
15 there's a slightly larger version of it in the plan document  
16 and it shows B Street, that B Street is going and cutting off  
17 at a right angle before it even touches the Country Club  
18 property.

19 MS. SEARS: Are you on page --

20 COMMISSIONER CALLISTEIN: I'm on page 5.17.

21 MS. SEARS: Seventeen. Okay.

22 COMMISSIONER CALLISTEIN: Yes. It's a little bit  
23 bigger picture of the same thing.

24 MS. SEARS: Correct. I'm with you.

25 COMMISSIONER CALLISTEIN: And you see the yellow

1 line --

2 MS. SEARS: Yes.

3 COMMISSIONER CALLISTEIN: -- where it says B Street  
4 and it goes and it turns right up to Rockville Pike, it does  
5 not cross your neck. The thing that crosses the Country Club  
6 there is the bike trail.

7 MS. SEARS: Yes. But the wording, the verbiage  
8 seems to indicate that the B Street if, you know, and we  
9 think it just needs to be clarified, if --

10 COMMISSIONER CALLISTEIN: Okay.

11 MS. SEARS: -- if that neck is developed could be  
12 then considered to go --

13 COMMISSIONER CALLISTEIN: If it's developed.

14 MS. SEARS: -- further into --

15 COMMISSIONER CALLISTEIN: Right.

16 MS. SEARS: Yes. Yes. It's just the wording of  
17 the plan.

18 COMMISSIONER CALLISTEIN: Okay.

19 MS. SEARS: Like I say, I think we're all on the  
20 same page, but the wording gives us some trouble, and that's  
21 what we'd like to work with you on.

22 COMMISSIONER CALLISTEIN: Okay. Thank you.

23 CHAIRMAN: Fine. Anything else?

24 MS. SEARS: And I have this in writing. I don't  
25 know if it helps or not. Do I just give it --

1 UNIDENTIFIED COMMISSIONER: Yes.

2 MS. SEARS: Okay.

3 UNIDENTIFIED COMMISSIONER: Thanks.

4 MS. SEARS: Thank you very much.

5 CHAIRMAN: Thank you, Ms. Sears. Next person on  
6 our sign up in advance sheet is Eric Siegel. I don't expect  
7 you're representing yourself, so I'll give you five minutes.

8 MR. SIEGEL: I actually am.

9 CHAIRMAN: I'm sorry? You are? Okay.

10 MR. SIEGEL: I'm not here on behalf of the Chamber  
11 this evening.

12 CHAIRMAN: Okay. Yes, sir. Please.

13 MR. SIEGEL: Good evening. Eric Siegel on behalf  
14 of Cohen Companies, we're a commercial stakeholder on the  
15 south portion of the Pike, and I use the word commercial  
16 stakeholder because I want to differentiate between that  
17 designation and a fee developer who comes in and has no  
18 interest in the future outcome or welfare of Rockville.

19 CHAIRMAN: Yes.

20 MR. SIEGEL: Like our family there are many  
21 families along Rockville Pike that own commercial enterprises  
22 and in our view should be treated on footing in making sure  
23 that Rockville becomes the best place it can be with the  
24 residential citizens, and so, I say that in that context.

25 There's only a few points I wish to make, and I'm

1 going to have a more detailed submission that I'm going to be  
2 handing in this evening. First is the issue of in analyzing  
3 the strategic scan and the municipal growth element Rockville  
4 has a policy decision to make whether it wants to assimilate  
5 and accommodate roughly 20,000 more residents over the next  
6 30 years, as well as the thousands of increase in the  
7 employment base that's projected, and how is that going to  
8 happen? It's going to happen in the Rockville Pike corridor  
9 that's the genesis of this plan. And it can only happen in  
10 the Rockville Pike corridor, and it seems to me the conflict,  
11 or the issue that needs to be addressed, and part of your job  
12 it seems to me as Commissioners on the Planning Commission is  
13 to assess whether or not in maximizing the tax base to ensure  
14 that everyone's quality of life in the residential  
15 neighborhoods as well along Rockville Pike is maximized, is  
16 making sure that we have enough multi-family housing and  
17 commercial to A) maintain the retail regional destination  
18 that Rockville Pike is and not destroy that by the creation  
19 of the plan, but at the same time build multi-family housing  
20 to accommodate the generation Y and the older population that  
21 will be moving from homes potentially in the neighborhoods  
22 into walkable multi-family environments that are closer to  
23 Metro, that are closer to shopping, and the likes.

24               So, there are essentially two points that I want to  
25 make in the minute I have, and that is that it is imperative



1 from a (indiscernible) perspective that properties within a  
2 half mile radius of the Metro should be at the maximum  
3 density possible. And I know you all as Commissioners  
4 sometimes think of density not necessarily in the most  
5 positive way, but if you think about it in terms of walkable,  
6 livable environments it is imperative that on the west side  
7 of Rockville Pike right directly adjacent to the Metro you've  
8 got 11 to 12 story buildings, but on the right side of the  
9 Pike, which is where we are they scale down significantly.  
10 And in our view based upon the analysis we don't believe that  
11 you'd be able to assimilate the population density required  
12 to both foster good commercial transactions, if you will,  
13 with restaurants and retailers if you don't have the foot  
14 traffic, as well as maintaining night and destination  
15 entertainment. So, we would strongly suggest that that take  
16 place.

17           Secondly, the street grid. In order for the street  
18 grid to take place along the south portion of the Pike as  
19 envisioned there has to be an incentive for the purposes of  
20 the property owners on that side of the Pike in order to put  
21 the street grid in, because what you're giving up  
22 particularly with the low densities you're giving up less  
23 footprint to build on, and it's imperative that some sort of  
24 incentive has to be thought about and put into place in order  
25 to incentivize those commercial stakeholders for agreeing to

1 chop up their properties and make a smaller block size.

2 With that I'll be putting in a much more detailed  
3 submission.

4 CHAIRMAN: All right.

5 MR. SIEGEL: And I'd welcome any questions you have  
6 if you have any.

7 CHAIRMAN: Questions to Eric?

8 COMMISSIONER HILL: I'd just invite you to comment  
9 on this. It's not a required answer. But I was really  
10 struck when you were describing the growth of multi-family,  
11 and I took -- you seemed to emphasize the word family in  
12 saying multi-family in that situation. But just the contrast  
13 that when we look at our school enrollment figures it says no  
14 kids live in those, you know, families, I take it as being,  
15 you know, adults with children. But when we look at those  
16 enrollment calculations they say no children live there, so  
17 is it really going to be multi-family orientation that we're  
18 after?

19 MR. SIEGEL: That's a typical designation that one  
20 makes with respect to high rises. So, I'm not meaning to  
21 suggest that you're going to have a great deal of children  
22 living there. Certainly the (indiscernible) as that unfolds  
23 will be addressing those issues of schools. But for purposes  
24 of the actual buildings that will be erected, at least  
25 studies have indicated that, and the trends, that most of

1   them will be inhabited by generation Y, younger workers  
2   coming in who will be working and want to have a lifestyle, a  
3   liveable, workable lifestyle, as well as older citizens who  
4   wish to --

5               CHAIRMAN:   Empty nesters are coming back.   Yes.

6               MR. SIEGEL:   Exactly.

7               CHAIRMAN:   Yes.

8               MR. SIEGEL:   Exactly.

9               COMMISSIONER HILL:   Okay.   Thank you for  
10   clarifying.

11              CHAIRMAN:   Any other questions?   Thank you, Eric.

12              MR. SIEGEL:   Thank you very much for your time.

13              CHAIRMAN:   Next on the list is Robert Dyer.   Three.

14              MR. DYER:   Thank you, Mr. Chairman and members of  
15   the Commission.   I'm Robert Dyer, and I don't live in  
16   Rockville, but as you know, the decisions the City makes  
17   about the Pike greatly affect all of us who travel and do  
18   business along the 355 corridor.   And Rockville Pike is not a  
19   grand boulevard, nor should it ever be one, it's a State  
20   highway designed to move vehicles between Frederick and  
21   Washington, D.C.   We're told that soon we'll be dining  
22   curbside on a State highway, holding our croissants,  
23   surrounded by exhaust fumes.   I don't know about you, but I  
24   feel like I'm in Paris already.   We're told that with smart  
25   growth one day we'll all live where we work.   Smart growth is

1 probably one of the most abused terms in the English language  
2 by developers, and if anybody here believes that wealthy K  
3 Street lawyers are going to quit their jobs downtown and work  
4 as baristas in the neighborhood Starbucks they put up on the  
5 Pike they're kidding themselves.

6           There's simply no need for a massive redevelopment  
7 of Rockville Pike. Free surface parking lots along the Pike  
8 are packed with shoppers and diners. If it ain't broke don't  
9 fix it. Worst of all, it will destroy small businesses along  
10 the Pike, restaurants and shops will be forced out by high  
11 rents and replaced by national chains. If you value  
12 diversity and independent ownership in Rockville I urge you  
13 to reject this plan.

14           Rather than advancing a plan that will benefit  
15 developers I suggest this body and the Mayor and Council put  
16 their influence towards building infrastructure to support  
17 existing development. Three major highway projects that  
18 would reduce traffic on 355 and 270 are the M83 Highway up  
19 county, and outer Beltway Potomac River crossing, and the  
20 Rockville Freeway along the Montrose Parkway corridor.  
21 Unlike the Rockville Pike plan these projects will attract  
22 high paying jobs, and instead of planning for some  
23 hypothetical group of rich condo dwellers they serve the  
24 needs of our existing diverse population. Until we have the  
25 infrastructure we need to support a plan like this I strongly

1 urge you to scale back the proposal before you. Thank you.

2 CHAIRMAN: Thank you. Questions of Mr. Dyer?

3 COMMISSIONER TRAHAN: I do.

4 CHAIRMAN: Dion.

5 COMMISSIONER TRAHAN: First of all, Mr. Dyer, it  
6 was a great presentation. Thank you. I totally appreciate  
7 your sense of humor, and you frightened us. So, thank you.

8 So, I want to address, I guess, this image that you  
9 portrayed about, you know, this State highway, the sole  
10 purpose, and I'm putting words in your mouth, so forgive me,  
11 I'm just trying to recall, from Frederick to D.C. this  
12 highway that's just, that's it's purpose, juxtaposed with the  
13 idea of a nice place to go and sit outside and pretend you're  
14 in Paris, you know, north of D.C., sipping your cappuccino,  
15 or whatever. Have you -- I don't want to put you on the  
16 spot, so you don't have to answer this, but presuming that  
17 you did flip through the Pike plan and you saw that part  
18 where it talks about the goals and the four different  
19 factors, you know, being reducing transportation, policy  
20 constraints on development, and on and on, in your own words  
21 can you give us a sense of what you feel the Pike plan in its  
22 current shape is, and I know you already articulated it, but  
23 in a perfect world, let's just assume for a second, what  
24 would the Pike plan, and the Pike look like to you, you know,  
25 20 years down the road?

1           MR. DYER: I would say that in addition to making  
2 the sort of infrastructure changes that we need to deal with  
3 that traffic that we -- because you not only have to look at  
4 the Rockville situation, you have White Flint South, you have  
5 Science City, you have whatever's going to happen up in  
6 Gaithersburg north of there, those by themselves are going to  
7 be a carmageddon of traffic before you even do anything here  
8 in Rockville.

9           So, what I would suggest is that in terms of when  
10 you're looking 20 years down the road that it's better to go  
11 one property at a time, as opposed to saying now, this is  
12 going to be, we're going to re-zone this whole area for mixed  
13 use development because -- and as Commissioner Hill pointed  
14 out my other concern would be the school. We know the  
15 schools are already over capacity, they haven't even told  
16 anybody where the kids in White Flint are going to go. They  
17 haven't even clarified that.

18           So, I think we need to have a greater emphasis on  
19 infrastructure, and when you see the controversial road in  
20 question that would go through the Country Club I think  
21 that's the sort of thing that you would have to have if  
22 you're going to put so much additional stress on the Pike  
23 from the diagram I see in the plan the capacity in terms of  
24 people coming through who aren't stopping there during rush  
25 hour is not appreciably improved. And so, you have those

1 huge projects north and south, combined with -- and I think  
2 you've seen how quickly the White Flint plan is going  
3 forward, even though they say don't worry, it's just 20 years  
4 ahead, but that Mid-Pike Plaza property has been approved  
5 according to what I saw from the County Planning Board. It's  
6 something that's going to be like a mini-Manhattan there.

7           We don't have a Rockville Freeway to go through  
8 there as was originally planned, so where those cars are  
9 going to fit with the jams that most of us were in to get  
10 here tonight is not explained in this plan. Unless you add a  
11 controversial road like that, that's the only thing that's  
12 going to -- you're stuck with the railroad on the east side,  
13 so it's sort of a natural boundary. You're stuck there, and  
14 you're stuck by the Country Club on the left side, so where  
15 all this traffic is going to go if they're not planning to  
16 stop at these new establishments, and they're just trying to  
17 get home at night, that's where I think a plan like this is  
18 really not addressing more about who we think might come here  
19 in the future as opposed to the difficulties we're having  
20 right now. Those of us who actually live here and pay taxes  
21 in the County are not yet able to move around as it is  
22 conveniently.

23           So, I think we really need to either address are  
24 you going to do something like that and give a parallel north  
25 and south, or are you going to build a Rockville Freeway, or

1 something, the Dam 83 north of there will get a lot of people  
2 from that, the way the jam backs up all the people trying to  
3 go to Clarksburg, and Frederick, and Damascus, for all that  
4 development they approved up there but they never put that  
5 road in, that was the artery that the traffic was going to  
6 flow through from Mid-County Highway extending. So, if you  
7 don't have these kind of infrastructure solutions, and you  
8 don't address the school issues I think you're getting way  
9 ahead of yourself to say now this is a huge transformation  
10 we're going to have here, and we're going to have the dessert  
11 before we eat our vegetables, yet, that's my basic position.

12 CHAIRMAN: Another question? Dion.

13 COMMISSIONER TRAHAN: So, to follow up what we're  
14 talking about, Mr. Dyer, so let's pretend the school is not  
15 an issue, and let's pretend that traffic is not an issue,  
16 that they're both operating perfectly at below capacity, and  
17 it's a perfect place. The reality is that up to our north  
18 with Science City and Gaithersburg population is booming, and  
19 to our south, White Flint, it's booming. And tonight earlier  
20 on we heard the argument that hey, what is wrong with  
21 increasing the tax base for the City? Hey, to make a strong,  
22 viable economic sort of epicenter that distinguishes  
23 Rockville what is wrong with that?

24 Now, the flip side, you have this vibrant hustle  
25 and bustle to our north and to our south, if Rockville



1 doesn't evolve in Rockville's way what's to become of  
2 Rockville? So, those are the two camps as I'm understanding  
3 it, just superficially at the moment. Can you just provide  
4 me an opinion as to what is wrong with expanding the tax  
5 base? What is wrong with providing an economic viable  
6 alternative for companies to come to Rockville, whether it's  
7 the big chains or the local mom and pop sort of flare places,  
8 why should someone be inclined to vote these downs based on  
9 that? And again, please, I'm not putting you on -- it's just  
10 you bring up a lot of good points, and you've got my juices  
11 flowing, so I'm not trying to put you in a corner, it's just  
12 I'm just trying to get you to help me see this, this sort of  
13 middle ground between Rockville being a wasteland between the  
14 north and south, and then us being overcrowded and being a  
15 Manhattan.

16 MR. DYER: I would say that certainly there does  
17 have to be a middle ground, and a plan. As far as the issue  
18 of income, or revenue from this we know that we've had a  
19 tremendous amount of development in the County over the last  
20 10 years and yet we have the lowest revenue returns that  
21 we've had in decades in the County, so I don't know that it's  
22 necessarily been proven yet. And, for example, Bethesda Row  
23 and downtown Silver Spring are often cited, but if you look  
24 carefully, a lot of those properties are not residential,  
25 most of Bethesda Row is all commercial, or just there's one

1 building that has residential above it, in the proper block  
2 there of Bethesda Row. So, it's not exactly a proven success  
3 that if you have this mixed use that you're going to bring in  
4 tremendous revenues.

5           And the other issue would be that I think as far as  
6 attracting corporations to come to Rockville, one of the  
7 biggest detriments that we have now and that we've heard from  
8 some of the prospective buyers is that the transportation  
9 issues, and the lack of access to Dulles Airport, and people  
10 who want to get quickly from one place to another, if they  
11 want the Dulles access they're going to have to go to  
12 Virginia, which is at next month's meeting of the  
13 Commonwealth Transportation Board is going to introduce their  
14 side of the outer Beltway at that meeting, to begin work on  
15 that. So, if we don't keep up we're just falling farther and  
16 farther behind. And this is more of a County issue than it  
17 is just Rockville's problem.

18           But I just think that if we take more of -- if we  
19 recognize the problems we have now, and the problems that are  
20 coming down, up and down the road literally in the future  
21 that certainly Rockville has to be competitive with these  
22 other projects. And I think there's a, when you look there's  
23 a lot of successful properties on Rockville Pike, and it's  
24 probably one of the areas that, the one that's in this  
25 specific plan up here in the County it's not a place you go

1 down and you say well, that's an embarrassment of a property  
2 there. I think the property owners should be commended up  
3 and down this stretch of the Pike, it's very well maintained,  
4 and there's a lot of people, as you see in the crowded  
5 parking lots. So, I think we've recognized that there's a  
6 lot of successful establishments that can draw people, and  
7 the question is can we build on that without necessarily  
8 going too far afield into this sort of luxury condo canyon  
9 that we're going to have going up and down, as opposed to  
10 where we actually have more open space to the sky now as it  
11 is on the Pike. And so, I would say to go by one property at  
12 a time and, rather than sort of giving a free blank check as  
13 to, just based on the constraints of what we know the  
14 infrastructure demands are now, and how bad they're going to  
15 be. We haven't even mentioned about BRAC further down, it's  
16 still like M83 up there, it's all --

17 UNIDENTIFIED COMMISSIONER: (Indiscernible.)

18 UNIDENTIFIED COMMISSIONER: Right.

19 MR. DYER: -- it's pretty much a nightmare beyond  
20 belief anybody's going to try to get through this on 355.

21 COMMISSIONER TRAHAN: Thank you, Mr. Dyer, that  
22 was --

23 CHAIRMAN: We've got one more question. Don.

24 COMMISSIONER HADLEY: You're very well informed.

25 Is this a matter of personal interest, or do you have a

1 professional interest, as well?

2 MR. DYER: No, no professional interest. I'm a  
3 musician by my career. So, but I have been active as a  
4 citizen for the last 10 years on different issues, and I --  
5 one of them is development in terms of in my examination of  
6 all these different sector plans that are being dealt with  
7 around the County is that the foremost issue we have is that  
8 infrastructure that was never built, because it is so  
9 challenging and in many cases unpopular for the politicians  
10 to say we're either going to have to figure out how we fund  
11 this as opposed to something else that you would rather have,  
12 or -- it's not the most fun thing for politicians to do. But  
13 if we look at all the roads that were canceled, and yet the  
14 development that this was all planned around was allowed to  
15 proceed it really tells us how we got into this mess. And I  
16 think that then from the City's perspective all that you can  
17 do is to try to now take this into account and just as you're  
18 taking this plan try to put it into the context of not so  
19 much about now what would we like the future to be  
20 hypothetically, but as to what do we know is coming down the  
21 road transportation-wise in the future, and how might this  
22 plan be a little bit too ambitious for it to handle that  
23 traffic?

24 CHAIRMAN: Some of the issues we'll be discussing.  
25 Thank you very much.

1 MR. DYER: All right. Thank you.

2 CHAIRMAN: Todd Brown, next. White Flint Express  
3 Realty Group. Don't start the clock yet, we're passing out  
4 stuff.

5 UNIDENTIFIED COMMISSIONER: Just passing out.

6 CHAIRMAN: Okay. Five minutes.

7 MR. BROWN: Good evening. I don't think I'll take  
8 that long. Thank you. My name is Todd Brown and I'm an  
9 attorney with Linowes and Blocher, and I'm here representing  
10 the White Flint Express Realty Group Limited Partnership.  
11 This partnership owns the property at the corner of Chapman  
12 and Twinbrook, and our concern is the proposed relocation of  
13 Twinbrook Parkway. We have retained SK&I Architects and  
14 Planners to take a look at what that realignment might do to  
15 the property, and I'd ask if we could to go through the  
16 packet that I've handed out.

17 The property is currently zoned MXCD, and the first  
18 two sheets are two concept plans, one residential, one  
19 commercial, of what could be built today with the appropriate  
20 approvals under the existing zoning, approximately 156  
21 dwellings, or about 220,000 square feet of office.

22 If we look at the next sheet, which is the third  
23 sheet in, that's the figure 5.17 overlaid over an aerial, and  
24 relocated Twinbrook is the orange road running from the top  
25 to the bottom of the page that has the curve in the middle of

1 it, which I'll mention again in a moment. Existing Twinbrook  
2 is the light blue line that extends off at an angle. When we  
3 look at the alignment that's proposed in the plan and its  
4 impact on the property, you can see that's the next sheet,  
5 you can see that 100 foot right of way decimates this piece  
6 of property. It's currently improved with about an 11,000  
7 square foot building that has the Urban Barbeque restaurant,  
8 and El Patio, and Jordan Kits (phonetic sp.) that have been  
9 there for some time, but this alignment would basically  
10 render the property valueless if it goes through where it's  
11 proposed, as you can see, from the plan.

12           So, what we did is we asked the architects to take  
13 a look at whether there might be an alternative alignment  
14 that might work to try to achieve some of the benefits and  
15 the objectives that the plan calls for. So, the next sheet  
16 is actually an alignment that eliminates that curve that I  
17 mentioned that is in figure 5.17 between Chapman and  
18 Rockville Pike. It extends a little bit more geometrically  
19 in a logical fashion, but unfortunately, when we look at the  
20 impacts of that alignment because of the property's location  
21 relative to Chapman and Twinbrook, again, and this is the  
22 next sheet, you can see that it really just decimates this  
23 piece of property, even on that alternative alignment.

24           The architects also took another look at what might  
25 be a potential alignment, and that was to swing Twinbrook a

1 little bit further south to align with the existing traffic  
2 signal at the entrance to the retail centers on the Pike.  
3 And that's the next sheet that you can see there. If you  
4 turn to the page after that you can see that that does shift  
5 the alignment a little bit from what we saw in the previous  
6 two sheets, but it still would be, would really be  
7 devastating to this piece of property. It might leave a  
8 little bit of developable area, but whether that could be  
9 serviced by parking, and whether you could access that if it  
10 was to be structured parking is a real question.

11           So, we absolutely have problems with this proposed  
12 realignment. I think that to do so would require the City to  
13 acquire this piece of property, and the value that the  
14 property owner estimates if it was developed under the  
15 existing zoning is in excess of \$12 million is what's  
16 estimated. So, I think it does present a major issue for us.

17           One other comment that if we turn back to the third  
18 sheet in, which is the blue and white, or blue and orange,  
19 rather, street sections, that is not mentioned in the plan,  
20 is if you look at where Twinbrook is now there is an L-shaped  
21 building that fronts on Twinbrook, if you look in the aerial.  
22 That's about a 392,000 square foot building. I don't  
23 represent the owner of that building, but if Twinbrook is  
24 abandoned, which I would assume would be what the proposal  
25 recommends, although it is silent on that, the entrance to

1 that building, and the plaza that's built in front of that  
2 building that currently fronts on Twinbrook would be removed  
3 by about 250 feet from the closest public road, and access  
4 would have to be through the rear of that building though the  
5 service, which I, again, I don't represent the property  
6 owner --

7 UNIDENTIFIED SPEAKER: On Chapman.

8 MR. BROWN: -- but it would create a very big  
9 problem, I'm sure. If you leave Twinbrook in that alignment  
10 and also build a realigned Twinbrook and have the existing  
11 Twinbrook be more or less a service road the problem that is  
12 created is you've just added a fifth leg to that intersection  
13 at Twinbrook and Chapman, which creates a problem for  
14 confusion and conflict with pedestrians and vehicles, which  
15 was really the reason why they were suggesting Twinbrook  
16 relocated to address that problem with the current alignment  
17 up at the Pike. So, we do have some problems.

18 We would ask that the proposed realignment of  
19 Twinbrook not be given further reconsideration, that it be  
20 removed from any plans that the Planning Commission might  
21 recommend to the Council. I'd be happy to answer any  
22 questions.

23 CHAIRMAN: Okay. Thank you. Yes, Dion?

24 COMMISSIONER TRAHAN: Mr. Brown, again, thank you  
25 for laying out very clearly and concisely. Two issues, or



1 questions, I have, one -- well, I guess first is a comment,  
2 second one is a question. You talk about the draft plan who  
3 had the impact in closing the restaurant and demolition of  
4 the existing building and improvements, but the restaurant  
5 can always be relocated. And this -- you know, I understand  
6 your concern about the properties not being usable, it's just  
7 in my mind clearly the entrepreneurial spirit and people that  
8 possess it are a lot smarter than I am and probably could do  
9 something with those. So, I find that a little hyperbolic,  
10 if that's a word.

11           The second question is clearly the plan envisions  
12 the realignment of the Twinbrook Parkway to have a benefit to  
13 the City, so my question is doesn't that benefit to the City  
14 outweigh your monetary concerns, and if not, can you please  
15 just expand a little bit on what detriment that would have to  
16 the City?

17           MR. BROWN: Sure. I think, and there was a  
18 reference to it by one of the earlier speakers, the way that  
19 this new street network is going to be built is my  
20 incentivizing the property owners to redevelop so that they  
21 will dedicate these rights of way as part of that  
22 redevelopment, and that way the City gets it without having  
23 to expend the money to actually buy the property. In this  
24 instance there's no opportunity in our view and in the  
25 architect's view for that redevelopment to occur, so there

1 will not be under this alignment a redevelopment of the  
2 property whereby the City could get that right of way through  
3 a dedication. So, the City would actually have to buy this  
4 piece of property in order to realign Twinbrook  
5 (indiscernible).

6 COMMISSIONER TRAHAN: Would that be a bad thing for  
7 where you're sitting?

8 MR. BROWN: It would be a terrible thing for my  
9 client because it would make his property, he wouldn't be  
10 able to develop it, which is what he intends to do. He would  
11 rather develop the property, he's a long holder of property,  
12 and would rather develop it when the time is right to develop  
13 it. He would be compensated for it by the fair market value  
14 if the City went forward, but I think it does create some  
15 other issues that I mentioned in terms of what it actually  
16 does for the other properties that front on current  
17 Twinbrook, not only this property, but the gas station at the  
18 corner, and then the very large office building that's across  
19 the street. So, I think there are fiscal implications for  
20 the City, certainly an impact to my client's property, but  
21 there are also practical considerations as to whether or not  
22 this is actually a good idea relative to the constructed  
23 situation that's on the ground right now, and the likelihood  
24 of whether particularly the office building is going to  
25 redevelop any time in the near future because it's a 400,000

1 square foot building.

2 COMMISSIONER TRAHAN: All right. Thank you. Okay.

3 CHAIRMAN: Any other questions?

4 COMMISSIONER HILL: I have several quick questions.

5 CHAIRMAN: David.

6 COMMISSIONER HILL: I was actually concerned about  
7 the Twinbrook realignment from the west side of the road.

8 I'm glad you brought up the east side of the road.

9 (Indiscernible.) But I'm looking at the last diagram you  
10 have, 2.03, is that the number? A2.03?

11 MR. BROWN: Okay.

12 COMMISSIONER HILL: And I'm just very roughly off  
13 the top of my head it seems to me that if the roadway,  
14 existing roadway is abandoned, and attached to the property I  
15 don't see that the real harm has come to the property in that  
16 particular alignment situation. You're losing some on the  
17 south side of the property, but you're gaining to the north  
18 of the property in about equal proportion to me there.

19 MR. BROWN: Yes. I think that on 2.03b I think the  
20 issue would be a couple of things with this alignment.  
21 Certainly it's preferable to either of the other two, and it  
22 may make sense going into the existing signal on the retail  
23 section. That might make sense for that property owner as  
24 well, I don't know. But the problem would be that the right  
25 of way will have construction easements and grading easements

1 that will be required, as well, that will eat into this area  
2 that seems to be created on the north side. The other  
3 problem is that if you develop to the density that you would  
4 like to, six, seven stories here you'd have to park it  
5 underground, and how you get that access and circulation on  
6 this small piece of property is a question that the  
7 architects have raised as really being debatable.

8 COMMISSIONER HILL: Okay. Thank you.

9 MR. BROWN: You're very welcome. Thank you very  
10 much.

11 CHAIRMAN: Further questions? Thank you very much.

12 MR. BROWN: Thank you.

13 CHAIRMAN: Next we have Jason Goldblatt from the  
14 Wilco (phonetic sp.) Companies. Hold on the clock a minute  
15 while we pass this out. Guitar center.

16 MR. GOLDBLATT: Good evening.

17 UNIDENTIFIED SPEAKER: (Indiscernible.)

18 CHAIRMAN: Ready.

19 MR. GOLDBLATT: Good evening.

20 CHAIRMAN: Yes, sir. Five minutes.

21 MR. GOLDBLATT: My name is Jason Goldblatt, I'm  
22 with the Wilco Companies, the owner of the six-plus acre site  
23 located at the southeast corner of Chapman Avenue and  
24 Twinbrook Parkway, on which sits the Guitar Center, the music  
25 store. Wilco acquired the property almost one year ago in

1 April, 2010 just over a year after the new Rockville zoning  
2 ordinance was adopted. Together with two other partners we  
3 control the entire block between Twinbrook Parkway to the  
4 north, Bou Avenue to the south, Chapman to the west, and the  
5 rail line to the east.

6 In general, Wilco is supportive of the overall  
7 concept and direction of the draft Rockville Pike plan. The  
8 plan recognizes the fiscal benefits of an economically  
9 healthy Rockville Pike corridor. It also supports  
10 development in areas proximate to Metro stations, and to this  
11 end rightly acknowledges the need for the City to re-examine  
12 its APFO as it relates to both schools and traffic.

13 In terms of the form base code we would just  
14 quickly note that in order to be a truly form base code the  
15 code should allow proposed projects that adhere to the code  
16 requirements to proceed to development without a public  
17 process, irrespective of the size of the site. At the same  
18 time we think it is virtually impossible, as well as  
19 undesirable for the Zoning Ordinance to take a one size fits  
20 all approach, as the form base code does, and believe that  
21 the recently adopted MXTD and MXCD zones, in concert with the  
22 new Rockville Pike plan will yield the desired -- excuse me,  
23 the development desired by the County.

24 We would like to focus the majority of our  
25 testimony on the recommendations of our specific site.

1 Unfortunately, as noted at the outset because Wilco did not  
2 own the property at the time we do not have the benefit of  
3 participating in the two-year (indiscernible) Zoning  
4 Ordinance revision process, which culminated in the  
5 comprehensive rezoning of a good part of the City.  
6 Fortunately, the Rockville Pike plan before you provides the  
7 opportunity to recommend that the property which is currently  
8 zoned MXCD be re-zoned to MXTD.

9           Alternatively, if the form base code is ultimately  
10 adopted we would recommend that the street designations be  
11 revised from the current recommendation of urban center  
12 streets to urban core streets. This request is clearly  
13 justified based on the following, number one, the exclusive  
14 basis for seeking MXTD is to allow an increase in the maximum  
15 height level which is 75 feet under the MXCD to 120 feet as  
16 allowed in the MXTD zone in order to yield greater densities  
17 at this transit-oriented site. Secondly, the property is  
18 located less than one-quarter of a mile from the Twinbrook  
19 Metro station. This location which places the property  
20 within an easy two block walk of the Metro should be part of  
21 the core transit area. Thirdly, buildings with a maximum  
22 height of 120 feet on the property would be entirely  
23 compatible with the surrounding uses. To the north the  
24 properties located immediately to the north are zoned MXTD  
25 which permits 120 feet and sometimes up to 150 feet maximum

1 heights. The Mid-Town Bethesda North Condominium building  
2 immediately south of the property is 20 stories, which you  
3 can see actually the shadow in the picture. To the west the  
4 properties are slated for the White Flint Sector Plan Two.  
5 While not determinative the White Flint One Plan permits  
6 heights of 200 feet for sites located a comparable distance  
7 from a Metro station as these adjacent county sites. And  
8 finally, to the east properties along the rail line are zoned  
9 transit mixed use and light industrial, and are recommended  
10 for mixed use and continued industrial use with heights to be  
11 determined at site plan. Fourthly, the property is nowhere  
12 in the vicinity of any single-family residences. And  
13 finally, Twinbrook Parkway presents an arbitrary line for  
14 distinguishing zoning. The site should be zoned the same as  
15 sites immediately across Twinbrook Parkway.

16 We greatly appreciate the opportunity to explain  
17 why greater heights are appropriate for this site, and look  
18 forward to further discussion with you on this matter. We  
19 will be submitting written comments to the record. Thank  
20 you.

21 CHAIRMAN: All right. Thank you.

22 MR. GOLDBLATT: Thank you very much.

23 CHAIRMAN: Questions to Mr. Goldblatt? Thank you,  
24 sir.

25 MR. GOLDBLATT: Thank you very much.

1           CHAIRMAN: Matthew Hurson, Hines Company. How are  
2 you?

3           MR. HURSON: Good evening, Chairman Tyner, members  
4 of the Commission. I am Matthew Hurson, I'm a managing  
5 director at Hines in Washington, D.C. Hines is a global real  
6 estate company that's had an office in Washington for about  
7 32 years. As of a few days ago we are the contract  
8 purchasers of the Simms Store site, also at the corner of  
9 Twinbrook Parkway and Chapman Avenue, which appears to be the  
10 most important corner in the city this evening.

11          CHAIRMAN: That we've heard of so far.

12          MR. HURSON: That we've heard of so far. Broadly  
13 speaking we applaud the effort of the Commission and the  
14 Staff to craft and adopt a plan. My family and I have been  
15 residents of the Kenton's (phonetic sp.) community in  
16 Gaithersburg for about 15 years, and we understand the huge  
17 effort and burden it is on a Commission and Staff to  
18 undertake the effort to transform chaotic sprawl into a more  
19 human urban form. We look forward to working with the  
20 Commission and the Staff to create a workable and effective  
21 code. I have detailed written comments I'll leave, but there  
22 are three items I'd just like to bring to your attention out  
23 of the written comments. One, a form code, the definition of  
24 a form code, and I found it in Wikipedia, so I know it's  
25 true. A form base code is a means to regulating development



1 to achieve a specific form with a lesser focus on land use.  
2 It's in contrast to a conventional zoning focus on the  
3 segregation of land uses. And what I find in this draft plan  
4 is a conventional segregation of land uses.

5           The Hines strategy, market strategy is to create a  
6 multi-family product that will be marketed to the younger  
7 generation that's coming out of college now, the creative  
8 class worker, and this is a species of homo sapien I know  
9 very well because I have one living in my basement. He's 24  
10 years old, just got out of college, has his first job, he's  
11 got healthcare, he works in Arlington, takes Metro every day,  
12 and the one thing that I know that's going to get him out of  
13 my basement is finding a kind of a hip apartment near a  
14 Metro, and it's a, you know, a sports bar/tavern thing that  
15 he can drop into on the way back. And I open up my zone,  
16 page 39, and what is the prohibited use, a tavern or a bar.  
17 That's the type of thing that we'd like to see some  
18 flexibility in the code, and to adopt a true form code that  
19 governs the form of the building, but not necessarily the use  
20 that's inside, let the market determine what the use is.

21           Second point, retail at the ground floor. The plan  
22 requires at the ground floor of a building only retail and  
23 associated services. It prohibits residential and office  
24 use. A typical 50,000 square foot floor, four floors make an  
25 apartment building, might be 200 by 250. A typical retail

1 space in this vicinity would be 40 or 50 feet deep, that  
2 translates to 6,000 to 10,000 square feet of retail space and  
3 a 50,000 square foot floor. Not 50,000 feet of retail space,  
4 but 6,000 to 10,000 square feet. So, it's the type of thing  
5 that it, conceptually let's have retail on the ground floor,  
6 but that doesn't mean the entire floor because it will not be  
7 marketable.

8           Arlington County as we speak has a task force set  
9 up to study chronic vacancies in their ground floor retail  
10 space. And I would encourage the Commission to find out what  
11 they found, and to find out what their solutions are. I'll  
12 leave with my written testimony a series of recent articles  
13 about Arlington County's effort.

14           Ceiling height. Nine-foot ceilings are traditional  
15 in luxury housing product. When I built my house in Kenton's  
16 I have a nine-foot ceiling. Condominiums, apartments, homes,  
17 nine-feet. The plan requires a 10-foot minimum ceiling height  
18 above the ground floor. Sustainability is a major goal of  
19 your plan, it's a major goal of our company. And there are a  
20 number of impacts by adding what seemingly is a minor thing,  
21 a foot per floor. The building is now 11 percent greater  
22 volume. We've got to heat and cool a greater volume.

23           The impact on natural resources was most meaningful  
24 to me because typically I think the building we will intend  
25 to build, and most multi-family buildings are timber-framed,

1 they're made of wood. So I went, again, to the internet to  
2 find out how much wood is consumed, how much more wood would  
3 need to be consumed to add a foot per floor. Three and a  
4 half wood studs per square foot, a framing contractor tells  
5 me. The University of Ohio Natural Resources Department  
6 tells me the yield of timber from a typical 36-foot long, 18-  
7 inch diameter log. I won't ask you guess because you'll  
8 never get it, it shocked me, to add a foot per floor to the  
9 Alaire (phonetic sp.), which was recently delivered in  
10 Twinbrook, 5,400 additional trees, 96,000 studs in a building  
11 that size, 30 truck loads. That's a lot of timber to tear  
12 down to add a foot that we don't think we need.

13           Those are my three points. I'll leave the written  
14 testimony.

15           CHAIRMAN: Okay.

16           MR. HURSON: If you have any questions --

17           CHAIRMAN: Questions of Mr. Hurson? It's  
18 interesting on that Simms property when we did the '89 plan  
19 there was the proposal there for a not mixed-use at that  
20 time, but apartment complex, which --

21           MR. HURSON: I think I have a set of the plans.

22           CHAIRMAN: -- which did not --

23           MR. HURSON: The economics weren't there for it.

24           CHAIRMAN: -- (indiscernible). You  
25 know --

1 MR. HURSON: Correct.

2 CHAIRMAN: -- when we got rid of the printing plant  
3 there. So --

4 COMMISSIONER HILL: Mr. Chair, can I ask a question  
5 of Staff? Well, and maybe the --

6 CHAIRMAN: Yes, certainly.

7 COMMISSIONER HILL: Can you just mention what the  
8 basis of a 10-foot ceiling height was?

9 MR. LEVY: I think we'll have to get back to you on  
10 that with our form code expert.

11 COMMISSIONER HILL: Okay. Thank you.

12 CHAIRMAN: Okay.

13 MR. HURSON: Thank you.

14 CHAIRMAN: Any other questions? Thank you very  
15 much. I'll wait a moment till he takes his glasses off. Jim  
16 Coyle. Welcome, sir.

17 MR. COYLE: Great. I have some papers, also.

18 CHAIRMAN: Three minutes for Jim, I think.

19 MR. COYLE: Well, I'm here for five.

20 CHAIRMAN: All right. Who are you representing?  
21 It's not on the list.

22 MR. COYLE: Rosedale Falls Homeowners Association.

23 CHAIRMAN: Okay. Let me pass out the stuff here.  
24 Wait a minute.

25 MR. COYLE: Thank you. I'm going to --

1 CHAIRMAN: Okay.

2 MR. COYLE: -- read through this, but not  
3 everything because I think it will take more than the five  
4 minutes. And you'll see, I'm probably taking a different  
5 point of view of most of the people who have spoken already.

6 So, my name is Jim Coyle. I'm a former Council  
7 member and Mayor of the City. I live at 14 Fire Princess  
8 Court. In 1989 the Mayor and Council with the support of the  
9 community passed a Rockville Pike Plan whose aim was to allow  
10 and encourage reasonable development under a new set of  
11 development guidelines. Residents were concerned at that  
12 time the traffic would only get worse with denser commercial  
13 development, and that we would lose the retail character of  
14 the Pike. In addition, the higher building heights on the  
15 east side of the Pike would overshadow the Twinbrook  
16 neighborhood.

17 Crystal City, Virginia was often cited as an  
18 example of what might occur if massive commercial development  
19 were allowed in Rockville. In 1989 zoning on the Pike was  
20 reduced by two-thirds, and building height allowances were  
21 set at 35-feet by right. The plan also called for more  
22 parallel roadways with berms, to create more, and -- excuse  
23 me -- as properties were redeveloped, and a new set of  
24 architectural designs to create a more suitable city-scape.  
25 A variety of pedestrian and traffic safety objectives were

1 also outlined. A proposal to open East Jefferson Street as a  
2 parallel road from Montrose to Edmonson was rejected to  
3 protect existing neighborhoods, and to limit the amount of  
4 development that would occur if a parallel road were  
5 approved. The Mayor and Council at that time felt that a new  
6 Town Center would allow more dense commercial and residential  
7 buildings.

8           My review of the new proposed Pike plan is that it  
9 proposes the kinds of development that we limited with the  
10 1989 plan. The full impact of this plan if enacted would  
11 bring major threats to our residential community, far beyond  
12 that which would occur under the current allowances.

13 Rockville Pike continuing as a user-friendly, business  
14 retail, restaurant, and recreation destination is not a  
15 likely outcome. Some mixed-use parcels may evolve, but more  
16 and more the Pike could look like any other dense commercial  
17 zone. Rockville Pike will always be a major state road  
18 corridor serving commuter and business travel as its primary  
19 purpose.

20           So, why would Rockville want to redevelop the Pike  
21 to such levels? Who will truly benefit? Let's be clear, the  
22 purpose of a local economy is to meet the needs of that  
23 community so a good quality of life can be achieved for its  
24 residents. Currently, Rockville meets or exceeds every  
25 indicator of a successful local economy. Today, our citizens

1 enjoy every conceivable personal, professional, and  
2 recreational service, a reality that many other communities  
3 envy. Currently, numerically speaking there are four or five  
4 jobs for every working age resident of the City, an enviable  
5 situation.

6           On the negative side, commercial development as a  
7 percent of land use, or as a percent of the property tax base  
8 is dangerously close to tipping the balance and possibly  
9 destroying our residential character. Institutional uses  
10 consume an increasingly significant portion of our taxable  
11 land base, and cause major unreimbursed costs to the City.  
12 All of these imbalances threaten our residential character.

13           For the past 50 years the City has provided all the  
14 needed services required to make Rockville a great place to  
15 live through its property taxes and its user fees.  
16 Unfortunately, none of the current sales tax generated within  
17 the city limits goes to the City, which I believe is tragic.  
18 Table 8.13 in the plan, entitled model city's program summary  
19 analysis, suggests the potential tax revenues from the Pike  
20 to the State, County, and City of Rockville. In practically  
21 every scenario listed the State and County received five  
22 times the revenues than the City of Rockville. Who's getting  
23 the golden goose, and who's getting the goose egg?

24           The increase in City services and costs created by  
25 this Pike expansion will be monumental, in infrastructure,

1 environment, public safety, code enforcement, planning, lost  
2 retail, and so on. It would be pure folly for the City to  
3 encourage this kind of development to happen.

4           So, in conclusion, why do we need more substantial  
5 commercial development along Rockville Pike if it only yields  
6 more traffic, less resident-friendly retail business, more  
7 public costs, threaten neighborhoods, and a lot of psychic  
8 discomfort? I believe we need a new vision for Rockville  
9 that has as its core the maintenance of Rockville as a viable  
10 residential community. Expanding and increasing the  
11 densities on Rockville Pike by a significant factor may not  
12 serve that vision. In fact, this new Pike plan has the  
13 potential to move Rockville in the feared direction of a  
14 Crystal City North. The City needs to develop a forward-  
15 thinking, multi-year development based plan that includes  
16 significant financial cost and benefit, that has its  
17 objective the preservation of our residential community. I  
18 call on you to bring a great degree of skepticism and caution  
19 in reviewing this proposal. Modest changes and improvements  
20 on the Pike are certainly called for, but a wholesale change  
21 to the character of the development on the Pike as proposed  
22 is not. Thank you for listening.

23           CHAIRMAN: Thank you, Jim. Questions? Dion?

24           COMMISSIONER TRAHAN: Again, Mr. Coyle, everyone  
25 tonight just seems to be on point tonight. All the



1 presentations have been very clear and pleasant to listen to,  
2 so I appreciate it.

3 MR. COYLE: Sure.

4 COMMISSIONER TRAHAN: Okay. So, a similar question  
5 I asked earlier in the evening, some that are listening  
6 tonight may argue well, this amounts to more than us being  
7 ostriches with our head in the sand, you know, traffic is  
8 coming. And it seems everybody is benefitting from our  
9 infrastructure but us. So, somebody could reasonably argue  
10 well, hey, if everyone is sort of reaching for our goose eggs  
11 why not benefit from it, right? Put little café shops along  
12 those 2.2 miles between north and south. As people are going  
13 back home from White Flint back up to Gaithersburg why not  
14 give them a distraction, and why not keep that tax revenue in  
15 the City? And as population is booming why not give young  
16 college graduates, older residents a place to live?

17 MR. COYLE: Well, we have -- Rockville is a great  
18 residential community now. We're building more residential,  
19 a lot of which proposed on the south end of the Pike is  
20 planned for Town Center, we have some now, and as the  
21 triangle is completed we'll have more apartments and  
22 condominiums right in Town Center with all the friendly  
23 retail that we're talking about.

24 Secondly, if we're not getting the revenue who are  
25 we serving? We don't need the kind of revenues that will be

1 generated for the State and the County from property taxes,  
2 and we're left with a small amount and all the residual cost  
3 associated with that development. We will be responsible for  
4 the infrastructure that's in the ground when Rockville Pike  
5 is redeveloped.

6           The plan we have now if it continues to be  
7 implemented calls for parallel roadways, the City has been  
8 buying up residual properties where they could to try to help  
9 that take place in the future. There's plenty of space for  
10 redevelopment of the Pike under the current plan, but over 35  
11 feet someone would have to come in and justify that that  
12 development on that piece of property is going to meet the  
13 needs of our community. My problem is I don't think we have  
14 articulated as a community what it is we want Rockville to  
15 look like. Some of the comments made tonight by the young  
16 fellow, I think his name is Dyer, I thought they were --

17           CHAIRMAN: Robert Dyer.

18           MR. COYLE: Yes. They were great comments, you  
19 know. We are the citizens of Rockville, what do we want  
20 Rockville to look like in 25 years? I don't think a massive  
21 commercial development on Rockville Pike with less of the  
22 kind of crazy and exotic and user-friendly retail that we  
23 have is what the citizens of Rockville want to have. And if  
24 all we're getting is property taxes, we don't get the sales  
25 tax, we're not getting enough revenues from all this to

1 support the residual cost that the City of Rockville is going  
2 to have to deal with. There's nothing in this plan about the  
3 cost benefit of this development. Nor do we have anything  
4 like that for the entire City of Rockville. We need, we're  
5 at the point with our dangerous development levels that we  
6 have to develop a plan that shows for every acre of  
7 development we're going to allow what's the cost benefit?  
8 So, the City of Rockville will maintain its residential  
9 character and have a reasonable tax base to support it. I  
10 don't see that in this or any of the other plans that the  
11 City has. But for a mature community like we are I think  
12 it's time that we start developing it. We don't have to  
13 allow any development if we think it's a threat to the  
14 residential character of Rockville, and I think we have to  
15 start thinking that way or we're going to lose Rockville.

16 COMMISSIONER TRAHAN: Mr. Coyle, my last question,  
17 I mean no disrespect about this, again, it's just everyone --

18 MR. COYLE: Sure.

19 COMMISSIONER TRAHAN: -- had my juices flowing  
20 today, so it's a lot of very good feedback. But what is the  
21 worst that can happen? Because we are talking about 2.2  
22 miles within all the entire city (indiscernible).

23 MR. COYLE: Have you been to Crystal City?

24 COMMISSIONER TRAHAN: Yes, sir.

25 MR. COYLE: When I first moved to the Washington

1 area in the '60s Crystal City was a residential neighborhood,  
2 a very popular place for people living in Washington. Today  
3 you're hard pressed to find any residences there. From Veirs  
4 Mill south we could lose the residences on both sides of  
5 Rockville in the worst case scenario. Our threat from East  
6 Jefferson opening up is that hunger for Stone Ridge and  
7 Montrose could easily, the character could change down there,  
8 and the argument made re-zone it commercial, mixed use,  
9 whatever. That was our fear back in 1989.

10 This kind of development could bring those kinds of  
11 threats to the City of Rockville, and we have to decide what  
12 do we want? We don't have to have massive buildings on  
13 Rockville Pike, that's our choice to make.

14 COMMISSIONER TRAHAN: Okay. Thank you.

15 MR. COYLE: Yes.

16 CHAIRMAN: Don?

17 COMMISSIONER HADLEY: Hi, Mr. Coyle. We see in  
18 this plan that there were substantial efforts to generate  
19 citizen participation and input.

20 MR. COYLE: Right.

21 COMMISSIONER HADLEY: I would deduce from your  
22 comments that you don't think that was a successful process,  
23 and I'm asking if that's true how did it miss the citizen  
24 vision that you think would be, or should be developed?

25 MR. COYLE: Yes. I went back and looked at that,

1 Don, and unfortunately, I didn't participate in that, so I'm  
2 speaking only from having read the reports.

3 COMMISSIONER HADLEY: Yes.

4 MR. COYLE: And I've been involved in many of those  
5 things, and people get very creative, and they've got great  
6 ideas, and -- but I don't know if those meetings someone said  
7 what I just said. Are you concerned about the residential  
8 character of Rockville? How important is that to you? Do we  
9 want more commercial development, or do we want to keep it  
10 more residential?

11 COMMISSIONER HADLEY: So --

12 MR. COYLE: It doesn't mean you block out all  
13 development, but to bring the things in you need to replace  
14 your tax base, provide new services, new residences, but at a  
15 scale that's going to benefit the community. And I'm not  
16 sure if those groups get a chance to look at it from that  
17 point of view.

18 COMMISSIONER HADLEY: My question remains, if that  
19 process didn't in your mind produce that input last time  
20 around how would one modify that process to be what I think  
21 you would say be more inclusive?

22 MR. COYLE: I think, that's why I said I think we  
23 need a new multi-focused development plan that's looking at  
24 the future --

25 COMMISSIONER HADLEY: Yes, but how do you start

1 that? That's what I'm asking. You start with citizens  
2 input.

3 MR. COYLE: We've got a great Staff, they know how  
4 to do those things. Other communities have done that. There  
5 are a lot of communities now who are looking at, they're  
6 taking their communities and looking at them by acre, and  
7 what the yield by acre would be in their community in terms  
8 of the kinds of development they want, plus the revenues  
9 associated with it to make judgments about where they would  
10 put uses in the future. So, I just think we'd have to put  
11 together a group build on the citizen groups that we brought  
12 together a couple of years ago, get some experts in on how to  
13 do the whole financial land use planning and taxation issues  
14 and see what we can come up with. Hopefully that gives you  
15 my sense of it.

16 CHAIRMAN: Thank you, Jim. David?

17 COMMISSIONER HILL: Mr. Coyle, with your experience  
18 in the City and your point of view there's two concerns I  
19 have that I'd just like your feedback on, one is, and you  
20 touched on this, you didn't go directly, but I'm concerned  
21 whether a re-invigorated Rockville Pike will actually compete  
22 with Town Center in terms of the development that happens --

23 MR. COYLE: By doing what?

24 COMMISSIONER HILL: Will compete with Town Center  
25 in terms of where will development build out and go --

1 MR. COYLE: Right.

2 COMMISSIONER HILL: -- in the medium sort of range  
3 time frame.

4 MR. COYLE: Well, Town Center is really designed  
5 for the more intense commercial/residential development.  
6 Rockville Pike currently with the plan we have in place with  
7 development to 75 feet by right is really to try to maintain  
8 it as more of a retail, restaurant, user friendly kind of a  
9 zone. With Rockville Pike being a primary corridor for the  
10 State for traffic passing through Rockville the gentleman  
11 earlier talked about you just can't envision sitting on the  
12 street with a cup of coffee and you've got massive traffic  
13 running by, you know.

14 So, I think that's the difference. I think looking  
15 at the Pike to stay more of a retail, mixed use but low scale  
16 doesn't defeat the purpose of creating the core in Town  
17 Center for a lot of the things that people here talked about  
18 tonight, where young people want to be where the action is.  
19 I think we'll still get that in Town Center.

20 COMMISSIONER HILL: Okay. And the second thing  
21 that you touched on that I'd just like to ask your ideas on  
22 is how do we get to the mixed part of mixed use? Right, is  
23 that a concern that you have?

24 MR. COYLE: The mixed part?

25 COMMISSIONER HILL: Yes. In other words, we have a

1 sort of open form base code that you can do all these things  
2 in, and you're referring to the fact that we could have this  
3 huge commercial corridor.

4 MR. COYLE: Right.

5 COMMISSIONER HILL: Yes, we could. I mean, one of  
6 the points of mixed use is to have all those uses together to  
7 reinforce each other, and --

8 MR. COYLE: Well, look at the Town Center plan and  
9 you guys spent a lot of time on it, we put targets in there  
10 for what square footage you want commercial, what square  
11 footage you wanted residential, user-friendly retail, that's  
12 all in the plan. So, as it develops you keep monitoring it  
13 to see if you're meeting the objectives that your plan has  
14 laid out for you. That's how I think you would do that.

15 COMMISSIONER HILL: All right. And the last quick  
16 question I just want to get your opinion on is one of the  
17 strategies involved in sort of focusing in on the Pike and  
18 sort of putting our development there, our density growth  
19 there is really to protect the single-family neighborhoods in  
20 the rest of the City, which is, you know, a hyper-portion of  
21 that now.

22 MR. COYLE: Right.

23 COMMISSIONER HILL: And do you think that strategy  
24 is fundamentally flawed?

25 MR. COYLE: Repeat that again, because I think I



1 missed, I was leaping ahead of your question.

2 COMMISSIONER HILL: Yes. What you I think  
3 testified to was a concern that if we develop at the Pike,  
4 and that's just going to sort of flow and overgrow our  
5 single-family neighborhoods --

6 MR. COYLE: Right.

7 COMMISSIONER HILL: -- right?

8 MR. COYLE: Right.

9 COMMISSIONER HILL: But I think one of the  
10 strategies conceived of here is that by focusing development  
11 on the Pike we give the City an outlet to grow further in a  
12 narrow area which actually preserves the single-family  
13 neighborhoods to a greater extent.

14 MR. COYLE: I don't think what I said conflicts  
15 with that, because our concern back in '89 was if you put  
16 East Jefferson through is that going to chase the golf course  
17 out of our community? If you put a road like that through  
18 you automatically are saying we're going to allow larger  
19 densities in those parcels that border in between that  
20 roadway.

21 COMMISSIONER HILL: Yes.

22 MR. COYLE: On the other side of the Pike the  
23 reason we went to 35 feet the people in Twinbrook were  
24 concerned about all the shadows and tall buildings, and they  
25 would never get any sunsets, they would be totally

1 overwhelmed by the size of these buildings. So, I think you  
2 can still achieve a lot in Rockville Pike, and we shouldn't  
3 change the development requirements to try to get some good  
4 development there, it's just how high and how dense do you  
5 want to go?

6 COMMISSIONER HILL: Okay.

7 MR. COYLE: And how far do you want that to expand?  
8 If you open up parallel roads you are expanding particularly  
9 to the west. And I know, we had testimony from the golf  
10 course back then, they were very concerned that this plan  
11 might run them out of the community, and I hear a little bit  
12 of hint of some concerns about it tonight. So, you'd be  
13 opening up a whole other level of development --

14 COMMISSIONER HILL: Okay.

15 MR. COYLE: -- by moving to the west with a  
16 parallel road. And Hunterford (phonetic sp.) and those two  
17 neighborhoods would be right in the center of massive new  
18 development and pressures on their neighborhoods.

19 CHAIRMAN: Okay.

20 MR. COYLE: Thank you.

21 CHAIRMAN: Thank you, Jim.

22 MS. KEBBA: If we could just ask that anybody who  
23 is speaking has written comments or handouts if they could  
24 provide a copy to the Staff, too, just to make sure that we  
25 have a complete public record, that would be appreciated.

1           CHAIRMAN: I'll give you what we've got. Our next  
2 person, the last on the pre-sign up one is Jim Whalen from  
3 Investment Properties. Five.

4           MR. WHALEN: You'll be happy to know I thought I  
5 only had three, so, and this is timed perfectly.

6           CHAIRMAN: I love your shirt, so you get five.

7           MS. KEBBA: Thanks.

8           CHAIRMAN: You've got the other sign up sheet from  
9 in the back? Yes. Okay.

10           MR. WHALEN: Good evening. I'm Jim Whalen of  
11 Investment Properties, Inc. I've been active in development  
12 in Rockville since the mid-'80s. Our developments in  
13 Rockville include 21 Church Street, 1 Church Street, the  
14 renovation of the Wire Hardware Store, 11 North Washington  
15 Street, the Victoria Condominiums, service industrial  
16 buildings at 515 Dover Road and 71 Dover Road, and the  
17 warehouses housed by Coca-Cola and Ferguson Plumbing on Goody  
18 Drive. I also am the managing member of the entities that  
19 own 801 through 807 Rockville Pike, and 1010 through 1066  
20 Rockville Pike.

21           I first thank you all very much for the time that  
22 you have spent and are ultimately going to dedicate to this  
23 effort. It's no small task, and the long-range implications  
24 are hefty, to say the least.

25           Getting this master plan right is critical to the

1 long-term economic viability to Rockville. Steady population  
2 growth continues to be a certainty, and we should do nothing  
3 less than embrace that reality, and do everything in our  
4 power to properly plan for it. Other visions for Rockville  
5 have come and gone, and some like the old Town Center master  
6 plan had disastrous economic consequences, which left some of  
7 the best located property in Montgomery County barren for  
8 decades. The citizens and businesses of Rockville have an  
9 absolute duty to ensure that the master plan that is  
10 ultimately adopted in this process is truly viable.

11           My take on the plan now it's, you know, it's  
12 exciting, and my overall reaction is positive. It's  
13 certainly a, just a monumental undertaking, and I probably  
14 won't live to see it through. There are, however, many items  
15 that need to be addressed in order to accomplish I think the  
16 intended transformation of this planning area. It's  
17 certainly not possible to discuss it in the time allotted,  
18 and I'll offer some highlights now, but we will submit for  
19 the record quite some detailed analysis.

20           CHAIRMAN: Good. Thank you.

21           MR. WHALEN: The form base code, you know, it makes  
22 a lot of sense, but as proposed it's over-reaching. I don't  
23 think it's wise to dictate a three-dimensional design for so  
24 much building area for a planning area that will take decades  
25 to redevelop. The land owner should have room to be flexible

1 enough to satisfy the needs of specific uses and market  
2 demands, and creativity should be encouraged in the design  
3 and material selection.

4           The proposed density or height limitations, the big  
5 D word, you know, offers in some cases probably little  
6 economic incentive for the redevelopment that the plan is  
7 here to encourage. The proposed densities may work for  
8 undeveloped property, but we don't have much undeveloped  
9 property on the Pike. The properties that are already  
10 developed will need -- I'm sorry. For properties that are  
11 already developed we will need significant density to  
12 encourage investors to forsake existing stable cash flow,  
13 reconcile existing debt, and start a new and potentially  
14 risky speculative project. For the larger properties at  
15 least the proposed limits on height will be a significant  
16 impediment.

17           The transformation and vision this plan will take  
18 decades. Property owners should be encouraged to take care  
19 of their existing improvements. They should also be afforded  
20 the latitude necessary to update and modify existing  
21 improvements while waiting for their turn to redevelop. The  
22 APFO, I mean, this is all a waste of time unless that plan  
23 comes back to reality, or that ordinance comes back to Earth  
24 here.

25           We encourage you to please study this plan in

1 detail, utilize every available resource, and take the time  
2 necessary, as I see you are doing with your schedule, to get  
3 it right. The plan's ultimate success is riding on your  
4 ability to determine how it's really going to play out in the  
5 real marketplace. I did pretty good.

6 CHAIRMAN: Thank you, Jim. Questions? Appreciate  
7 your comments when we were doing Rosar (phonetic sp.).

8 MR. WHALEN: Thank you.

9 CHAIRMAN: Looking at 21 Church, you brought up,  
10 especially talking about financing, you brought up things  
11 that are really things that we need to be digging into as we  
12 look at this financing situations. And it was, frankly, it  
13 was due to your comments during Rosar that we had that  
14 special session on venture capital and all the rest of it.  
15 (Indiscernible.)

16 MR. WHALEN: I appreciate it. You know, there are  
17 so many different components to this.

18 CHAIRMAN: Yes.

19 MR. WHALEN: And in order to really understand it  
20 we have to look at them all.

21 CHAIRMAN: Right.

22 MR. WHALEN: And there's really not going to be no  
23 perfect way to do it. Thank you very much.

24 CHAIRMAN: Thank you.

25 MR. LEVY: Mr. Chair, we have four additional

1 people, I'll bring them up to you.

2 CHAIRMAN: Sure. Four additional people signed up.  
3 There may be some others who if the spirit of the moment  
4 moves them may wish to. Okay.

5 MR. LEVY: (Indiscernible.)

6 CHAIRMAN: Okay. Virginia Quesada. Three minutes  
7 to you, dear lady.

8 MS. QUESADA: Thank you for the opportunity to talk  
9 to you all. In 2002 I had the opportunity to do a profile on  
10 an architect, Ben Thompson, who was really credited at being  
11 a vision of revitalizing the King urban spaces. He did  
12 Thaniel (phonetic sp.) Hall in Boston, was involved in the  
13 Inner Harbor in Baltimore, Union Station in D.C., South  
14 Street Seaport in New York, and he had basically he had this  
15 idea that, called the City of Man where it was like a  
16 festival marketplace. And in his interview he said something  
17 to the extent that a lot of times architects say well, how  
18 would this facade look in the big picture of what I'm doing?  
19 Instead of how would you feel in that space? How would you  
20 feel in that space? And I feel that maybe from what I've  
21 heard and read about this that we're too worried about how  
22 the facade looks and not enough about how we would feel in  
23 that space.

24 I felt like we were seduced into this plan with  
25 this pedestrian, bicycle walkway, and now I find out there's

1 going to be buses. Now, I like to bicycle ride, but I'm not  
2 going to be there with buses. This is not safe, okay. So,  
3 and I'm not going to be sitting on a sidewalk cafe with a bus  
4 going by. All right. So, this is not how I would envision  
5 myself wanting to enjoy this space.

6           Then the other step over the buses, who rides the  
7 bus? I did an experiment and was riding the bus, and I found  
8 out the people who ride the bus are people who don't have  
9 cars. Okay. So, people -- the buses being next to the  
10 buildings, I don't think this is really going to be that  
11 useful. Right? People riding the buses are people who need  
12 to go somewhere, they need to be in the main lane, not, you  
13 know, smogging up the streets, and essentially not being  
14 very -- getting rid of the only thing that was attractive to  
15 me about this whole plan was this pedestrian, European kind  
16 of area that we could work with.

17           I think that cities that evolve are more  
18 successful, and in this situation we're going to possibly  
19 lose the diversity of all the mom and pop shops, all the -- I  
20 love the opening parking. When I used to -- before I lived  
21 in Rockville, Rockville was a shopping destination, and what  
22 I loved about it was a parking lot to get there, but once I  
23 got there I could park. And that opening parking area is  
24 just wonderful. And I'm out of time, so I will submit some  
25 more in writing. So, thank you for your time.



1           CHAIRMAN: Questions? Dion? I have one, too, so  
2 don't take too long.

3           COMMISSIONER TRAHAN: Sure. Sure. Is it --

4           MS. QUESADA: Okay.

5           COMMISSIONER TRAHAN: -- Ms. Quesada?

6           MS. QUESADA: Yes.

7           CHAIRMAN: Quesada. Yes.

8           COMMISSIONER TRAHAN: Ms. Quesada, you did great,  
9 and you touched on one thing that we discuss about, and I  
10 struggle with is when the plan was first presented to us one  
11 of the questions we had was, you know, you -- to the  
12 presenter, you talk a lot about what we are, but what are we?  
13 You know, can you really put a finger on when you come to  
14 Rockville how do you know you're here and what makes us as a  
15 town special? And you hit it when you said, you know, about  
16 the buses, when you talk about having coffee, or shopping,  
17 you know, for some reason everyone keeps convincing people  
18 who live out here to get rid of our cars and take away our  
19 parking spaces, but it's something that is unique and people  
20 enjoy it. But can you talk a little bit more about the sense  
21 of Rockville and place? Because the Pike plan tries to  
22 capture it, and I just don't know if it really captured the  
23 City --

24           MS. QUESADA: Well, I'm afraid that when you see  
25 this urban renewal, I mean, we made a pretty serious mistake

1 in the '80s, and I think we need to go cautiously and  
2 carefully in this renewal and not try to -- actually, it's  
3 fairly successful. As far as I can tell there's very  
4 successful shopping, and shops, and I love the diversity,  
5 that there's the big box stores where I don't know where they  
6 would be in this plan, and then there's the mom and pop  
7 shops, all these wonderful little restaurants and little  
8 shops that you have, and I don't think that they would be  
9 able to survive, they'd be pushed out. And that is what I  
10 love about Rockville, this diversity.

11 I'm concerned about the schools, where are these  
12 kids going to go to school? We're already overfilled.  
13 There's no provision for that, you know. So, I'm -- you  
14 know, I think that that's partially what I see. I do like  
15 the area of, idea of opening it up and getting more mixed use  
16 because you have to see for the future, but I think it's  
17 too -- it's not making enough provision for what already  
18 works here.

19 COMMISSIONER TRAHAN: Thank you.

20 MS. QUESADA: Okay.

21 CHAIRMAN: You know, your comments about the buses  
22 along the curb lane, you know, that's one alternative for a  
23 boulevard. As you may know White Flint's got the bus lanes  
24 down the middle of the boulevard thing, so have you had a  
25 chance to look at (indiscernible)?

1 MS. QUESADA: I would think that would be a better  
2 idea. I think that, I mean, on one level you don't want to  
3 just make Rockville a pass through, and that's another fear I  
4 have, that it's just going to be a pass through from getting  
5 from White Flint up to Seneca, and that's -- no one's going  
6 to really stop because what they loved about Rockville was  
7 they could hop off into that nice -- I hate parking garages.  
8 I think a lot of women do. We don't feel safe, you know, and  
9 then you're going to be paying when you never paid before.  
10 So, I'm concerned about that. I do like the idea of getting,  
11 having that truly pedestrian area, truly bicycle area, that  
12 is the most attractive thing to me about this plan. All  
13 right.

14 CHAIRMAN: If you get a chance you might look at  
15 the White Flint plans --

16 MS. QUESADA: I would like that.

17 CHAIRMAN: -- for that part of it, because the  
18 folks that are pushing that concept that's exactly what  
19 they're talking about. Then you can give us some more  
20 comments later if you'd like.

21 MS. QUESADA: Thank you for your time.

22 CHAIRMAN: Thank you.

23 MS. QUESADA: Thank you.

24 UNIDENTIFIED COMMISSIONER: Excuse me. I'm just  
25 curious what neighborhood you live in?

1 MS. QUESADA: Twinbrook.

2 UNIDENTIFIED COMMISSIONER: In Twinbrook. Thank  
3 you.

4 CHAIRMAN: Jack Leiderman. How are you doing?

5 MR. LEIDERMAN: Good. Thank you.

6 CHAIRMAN: You get three minutes, sir, unless you  
7 tell me you --

8 MR. LEIDERMAN: Okay.

9 CHAIRMAN: -- are representing (indiscernible).

10 MR. LEIDERMAN: No, I'm representing myself.

11 CHAIRMAN: Okay.

12 MR. LEIDERMAN: Thank you, Chairman Tyner and  
13 members of the Planning Commission. I appreciate this  
14 opportunity to testify. I'd like to comment on two specific  
15 issues, the first is this form code idea --

16 CHAIRMAN: Yes.

17 MR. LEIDERMAN: -- where a new development is  
18 reviewed and approved by a town architect instead of the  
19 Planning Commission. A town architect is not only going to  
20 be reviewing architectural parameters, but would be the one  
21 who, according to Section 1.10.3 would be responsible for  
22 making the crucial finding that a development plan, "is in  
23 the best interest of the public health, safety, and general  
24 welfare." I guess they give that class in architecture  
25 school now. This is the type of finding the scope of which

1 the City appropriately relies on the seven-member Planning  
2 Commission to make. So, all the recent changes made by the  
3 Mayor and Council in adopting the recommendations of the  
4 Communications Task Force to increase citizen input into the  
5 development approval process, that's just going to be thrown  
6 aside. No more public hearings in front of the Planning  
7 Commission, no more opportunities for any citizen input once  
8 the plan is approved.

9           So, while the entire world is moving towards  
10 democracy and away from monarchy we in Rockville will be  
11 moving away from democracy and towards centralization of  
12 power in the hands of a development czar. This will make  
13 life a lot easier for the developers, as they have spoken  
14 about; it will certainly not serve the public interest; and I  
15 would ask you to reject this attempt to remove yourselves and  
16 your authority from the review and approval process.

17           Second issue, in the 10 principles that have  
18 consistently guided formulation of the plan nowhere does this  
19 include ensuring adequate school capacity for the kids that  
20 are going to be living in the new residential development.  
21 To the contrary, we have been told by consultant and the City  
22 Staff, and by the developers here tonight that the Rockville  
23 Pike plan requires that the APFO, the Adequate Public  
24 Facilities Ordinance, be significantly weakened or abandoned.  
25 My question is this, by whose authority was the consultant

1 told to come back to us with a plan that violates our City's  
2 laws? To me it's sort of like hiring an architect to design  
3 a new movie theater and tell them well, design it as if  
4 there's no fire code. Getting rid of the APFO is the holy  
5 grail among developers, and I'm sure that coal mine operators  
6 would like to be free of mine safety regulations, too. But  
7 the APFO is our most important (indiscernible) against out of  
8 control development, it has to remain in place to protect our  
9 schools from overcrowding.

10           The Rockville Pike plan is seriously flawed with  
11 regard to these two issues. In my view neither weakening the  
12 Planning Commission or weakening the APFO is necessary for a  
13 successful Rockville Pike. You have the opportunity to do  
14 this right. As planning commissioners you still have the  
15 authority, at least for the moment, anyway, to protect the  
16 public interest, and as a citizen of Rockville that's what I  
17 hope and expect from each of you. Thank you.

18           CHAIRMAN: Thank you very much. Questions of Mr.  
19 Leiderman?

20           COMMISSIONER TRAHAN: I have a question.

21           CHAIRMAN: Dion.

22           COMMISSIONER TRAHAN: Mr. Leiderman, again, great  
23 job. You mentioned on democracy, so I'd like to touch that a  
24 little bit. One of the criticisms by the APFO is that the  
25 City has put up this sort of straw bull work to protect

1 itself from the oncoming slot, and it's not working. There's  
2 others that say, you know, this is the only thing we have to  
3 protect the schools, and to keep density at bay. So, my  
4 question is this, why should the APFO be the proper remedy  
5 whenever in democracy there is a school board where the  
6 citizens can actually go there, in theory, and petition their  
7 grievances. So, when you said who directed the -- I'm sorry  
8 I'm putting words in your mouth --

9 MR. LEIDERMAN: The consultant.

10 COMMISSIONER TRAHAN: -- I just don't recall -- the  
11 consultant to I guess not really focus?

12 MR. LEIDERMAN: Ignore the laws of the city.

13 COMMISSIONER TRAHAN: Okay. (Indiscernible.)

14 Ignore the laws of the city. My question is why should that  
15 be an issue here and not more suited for a deliberative body  
16 like the school board?

17 MR. LEIDERMAN: This is the City of Rockville, and  
18 we have to protect -- no one else, the County is not going to  
19 look out for the interests of the citizens of the City of  
20 Rockville. Sorry. The citizens of Rockville need you guys,  
21 and our Mayor and Council to protect the interests of those  
22 of us who live in the City of Rockville, and that's your job  
23 as I understand it, is to do what's best for the City, even  
24 though there may be other things that are in the benefit of  
25 the State of Maryland or Montgomery County.

1           You say it's debatable whether the APFO is working.  
2 It's obviously working. If it wasn't working there wouldn't  
3 be a debate about it. The debate is people think that okay,  
4 right now Bell Elementary is slated to be at 155 percent  
5 capacity, okay. Now -- in 2016, I think. Obviously, the  
6 APFO is not to blame for that. If the APFO weren't in place  
7 that number would be what, 200 percent, 215, 250, 300 percent  
8 capacity? The APFO is the only thing standing between a  
9 difficult situation, and a completely impossible situation.  
10 And to say well, you know, as it's been said, I think, you  
11 know, in this plan, well, okay, everything is overbuilt, so  
12 if we want to build more we just have to stop measuring the  
13 traffic, and stop measuring the overcrowding. This is sort  
14 of like your car starts to shake and shimmy, and all the  
15 warning lights come on, so let's put duct tape over the  
16 warning lights and peddle to the metal, you know.

17           COMMISSIONER TRAHAN: Thank you.

18           MR. LEIDERMAN: Thank you.

19           CHAIRMAN: You know, it's interesting, though, that  
20 the consultant, when they, Johnny Longo made his presentation  
21 to the public, and to the Mayor and Council and the Planning  
22 Commission he was right up front and said this plan won't  
23 work unless you change some of the laws.

24           MR. LEIDERMAN: Well --

25           CHAIRMAN: Which was a red flag to a whole bunch of



1 us. And the APFO is critical to what we do here in the City,  
2 and if our task force and the Planning Commission can get a  
3 bite at it before the, you know, it gets nibbled away by  
4 other bodies, we will see what we can do to keep all those in  
5 place.

6 MR. LEIDERMAN: Well, I would --

7 CHAIRMAN: It's very important.

8 MR. LEIDERMAN: I would appreciate that. Thank  
9 you.

10 CHAIRMAN: Yes. Christina Ginsberg. TCA, five  
11 minutes, plus. Judy, are you doing a tag team deal here?

12 MS. GINSBERG: Well, we've got Rich, too.

13 CHAIRMAN: He's not on the list. He's -- as the  
14 mood strikes him. Okay.

15 MS. GINSBERG: Before you --

16 CHAIRMAN: Yes, Christina?

17 MS. GINSBERG: -- start the clock I would like to  
18 point out that the reason that the mixed use buildings have  
19 10-foot spacing between the floors is to accommodate a re-  
20 purposing of the buildings between apartment use and  
21 commercial use.

22 CHAIRMAN: Yes.

23 MS. GINSBERG: So --

24 CHAIRMAN: Thank you.

25 MS. GINSBERG: -- my name is Christina Ginsberg,

1 I'm the President of the Twinbrook Citizens Association. I  
2 live at 1204 Simmons Drive.

3 I would like to go over some points that the  
4 Executive Committee has voted on with regards to this plan.  
5 Well, we do not feel that this plan reflects a vision that  
6 our neighborhood could endorse for various reasons. We would  
7 like to see that any plan for the Pike is committed to  
8 keeping the diverse retail that is the hallmark of the Pike.  
9 We don't believe that's going to be possible, both for  
10 structural and financial reasons if this plan proceeds. In  
11 short, there will not be the affordable retail spaces to  
12 permit the kind of retail that we have on the Pike now that  
13 is so useful to our citizens.

14 We do not want to add density to the Pike. We  
15 would like to see general improvements to transportation,  
16 pedestrian safety, and access on the Pike, but we do not  
17 understand why that has to be accompanied by an upzoning of  
18 this type.

19 Where has our tax money gone that's supposed to pay  
20 for curbs, and trees, and paving, and all that kind of thing?  
21 Why is it that we cannot get that without going to this?

22 We would like to keep the Pike family friendly and  
23 affordable. You can refer back to the earlier point about  
24 the retail diversity. And that includes having the kind of  
25 stores that our families use, such as Target and the other

1 big box stores. It also includes having the small stores  
2 that are only supported by a fractional part of the  
3 population, and who are there on the very thin margin.

4 We've looked at the financial structuring that's  
5 implied in the plan, and Rich will speak about that in a  
6 minute, but we do not approve of the citizens having to take  
7 on the financial risk for this redevelopment as they did in  
8 Town Center. And we oppose any use of eminent domain for the  
9 benefit of private developers.

10 Now, I want to speak a little bit about .7, of  
11 course, we'll be sending in written comments.

12 CHAIRMAN: Yes. Thank you.

13 MS. GINSBERG: The New Haven, was New Haven the  
14 little pink house case where the Supreme Court decided that  
15 it was acceptable for jurisdictions to take private property  
16 for the purpose not of roads, not of schools, but for the  
17 benefit of private developers, it's probably going to go down  
18 in the history of the Supreme Court as a decision on the  
19 order of Plessy v. Ferguson. The federal government under  
20 George Bush found -- I mean, this is how reprehensible it is  
21 considered that the federal government under our former  
22 President Bush, Mr. Bush actually issued an Executive Order  
23 prohibiting federal entities from using this decision to take  
24 private lands for private benefit of developers.

25 It bothers me extremely that the plan shows the

1 street going through the country club. Some of the materials  
2 that have been shown to us do not have the disclaimer on it  
3 that say this will only be done if the country club  
4 redevelops. We are opposed to that kind of precedent being  
5 set in Rockville to take private property. And I know that  
6 is a difficult thing for you to work with in this plan  
7 because you are re-positioning streets, and you are going to  
8 have to cut some deals here to get the green space and the  
9 other things that are promised by the plan, but I urge you to  
10 be extremely cautious about setting that precedent.

11           We are also troubled that the plan flat out in the  
12 first 20 pages says let's overturn the APFO, and let's  
13 overturn the traffic laws. I agree with Mr. Lighterman about  
14 the importance of the APFO. We have gone through this  
15 process with the Twinbrook Neighborhood Plan, and Planning  
16 Commissioners, I don't think any of the ones sitting here,  
17 but former Planning Commissioners have said to us oh, don't  
18 worry about all the density we're going to approve, the APFO  
19 will take care of it. Well, the APFO is the only bull work  
20 between irresponsible development, and the question that was  
21 asked about why that's important to us, we have gone to the  
22 Board of Education and said to them we understand that you  
23 are not responsible for the uptick in enrollment in the  
24 schools. The school board does not control that, that is  
25 controlled by the City of Rockville and the other

1 jurisdictions approving development without reference to  
2 adequate public facilities, and we should not overturn that  
3 in order to have this pretty picture, which I actually don't  
4 think this is this pretty.

5           And the other thing that I'm very concerned about,  
6 that we're all concerned about is the form base zoning. You  
7 heard at least one developer here say tonight that we should  
8 go to form base zoning with no additional public input ever.  
9 That is something that we do not want to give away that right  
10 to have public input on many of these issues, and I would  
11 urge you to strongly -- well, I would strongly urge you to  
12 pay, to give this serious consideration before you embark on  
13 that path. Thank you.

14           CHAIRMAN: Okay. Questions of Christina? Dion?

15           COMMISSIONER TRAHAN: Ms. Christina, I don't want  
16 to give the wrong perception that the things that you haven't  
17 addressed you agree with, so I'd just like to ask, can you  
18 point some things out in the plan that struck your fancy, or  
19 that you, you know, you thought that were good.

20           MS. GINSBERG: Okay. I'll give you two good points  
21 so you can't say I hate the whole thing.

22           COMMISSIONER TRAHAN: Okay. Fair enough.

23           MS. GINSBERG: During the RORZOR process I was very  
24 vocal about saying that the RORZOR as it was presented would  
25 encourage blocks, giant fortress like blocks, I was thinking

1 mainly of congressional, and we were shown several plans  
2 where it was basically a curve all the way around a giant  
3 block, and the public spaces would all be inside the block.  
4 And I had recommended several times, and I don't remember  
5 where my recommendations went, that there should be some  
6 maximum lot size applied, which is kind of what is happening  
7 with the street scapes being cut up.

8           The other thing I would say is the TCA, when the  
9 green building code came out we made a few recommendations,  
10 but one of the recommendations we made was that on every  
11 building where it's possible that there be a green roof. And  
12 the City Staff specifically denied that, disrecommended that.  
13 But your --

14           CHAIRMAN: Disrecommended?

15           MS. GINSBERG: Disrecommended. Yes. You can see  
16 that, that's on tape. But that is something that I think is  
17 critical. The green building code as it stands recommends  
18 engineering-ish solutions, such as reflective roofs, that  
19 while it may be useful to have that so that some power plant  
20 in West Virginia is not running day and night on coal, the  
21 fact is for air quality and so forth in this area for us it  
22 would be better to have a green roof. So, you can't say I  
23 hate it totally.

24           COMMISSIONER TRAHAN: Thank you.

25           MS. GINSBERG: But you will see in our written

1 testimony that we have a number of additional points we wish  
2 you to explore.

3 CHAIRMAN: Okay.

4 MS. GINSBERG: Thank you.

5 CHAIRMAN: Other questions? David.

6 COMMISSIONER HILL: Yes. Well, it's a little more  
7 of a comment. Twinbrook Parkway is a pretty important outlet  
8 for the neighborhood --

9 MS. GINSBERG: I actually didn't catch that, so --

10 COMMISSIONER HILL: Yes. Well, I wanted to as much  
11 recommend that as an issue that we'd really like hear  
12 neighborhood input from as ask your opinion on it at the  
13 moment.

14 MS. GINSBERG: We're reading that plan. We  
15 actually have one of the few copies that has escaped  
16 captivity, and we are passing it around among ourselves and  
17 looking at it right now. These are the general  
18 recommendations of the executive committee having looked at  
19 the general outlines of the plan, and we have not gotten down  
20 to specifics, and I did not catch that, and it's, you're  
21 right, it's something we're going to look at in detail.

22 CHAIRMAN: Thank you, ma'am.

23 UNIDENTIFIED COMMISSIONER: Have you asked the  
24 Staff for more copies of the plan? Staff, can we get them  
25 more copies of the plan?

1           MR. LEVY: We have -- our problem really is a  
2 budget problem, we are giving to communities that want one,  
3 equivalent to Twinbrook one that they can pass around.  
4 They're 80 bucks apiece to produce, and we simply don't have  
5 the budget to produce more copies than -- for neighborhoods  
6 that want one, we can give one, if we have more resources we  
7 can do more. But we're really budget limited.

8           UNIDENTIFIED COMMISSIONER: (Indiscernible.)

9           CHAIRMAN: Giving them one of the CDs  
10 (indiscernible).

11           MR. LEVY: We're giving CDs to anybody who wants  
12 them -

13           CHAIRMAN: I mean, that --

14           MR. LEVY: -- for free, and we're budget  
15 constrained right now. It's a real challenge. I mean -- so,  
16 but we have them in the libraries, we have one in the  
17 Twinbrook Library, we've got one in City Hall, we are trying  
18 to make one, at least one available to every community, so  
19 they can share.

20           MS. GINSBERG: I would say the average person is --

21           MR. LEVY: It's not the ideal.

22           MS. GINSBERG: -- not going to spend 20 hours in  
23 the library reading 200 pages.

24           UNIDENTIFIED COMMISSIONER: I would agree --

25           MR. LEVY: If there are limitations for people's



1 ability to do it on the computer we'll absolutely make an  
2 accommodation. We've got a real budget issue in this regard.

3 COMMISSIONER OSTELL: How accessible have you found  
4 it online?

5 MS. GINSBERG: I personally cannot download it  
6 online, and I have not looked at the CD because we're working  
7 through the paper copy.

8 CHAIRMAN: But you do have a CD of it?

9 MS. GINSBERG: I do have a CD.

10 UNIDENTIFIED COMMISSIONER: Well, and David --

11 UNIDENTIFIED SPEAKER: Almost 150.

12 MR. LEVY: Yes, we've distributed out 150 CDs,  
13 we're ordering more.

14 UNIDENTIFIED SPEAKER: We ordered 150, and we're  
15 almost out, and I just ordered more today.

16 COMMISSIONER TRAHAN: Is there a way for the  
17 citizens who want to recycle if they have a printed copy and  
18 they're no longer using it if they can bring it back to City  
19 Hall or something and we can put it back in circulation? Is  
20 that an option?

21 MR. LEVY: Sure. We encourage people --

22 COMMISSIONER TRAHAN: (Indiscernible.)

23 MR. LEVY: -- to give them back. But there haven't  
24 been many distributed at this point. So --

25 UNIDENTIFIED COMMISSIONER: Okay. Okay.

1 MS. GINSBERG: Thank you.

2 COMMISSIONER OSTELL: I mean, maybe we can talk  
3 about this later rather in the middle of a hearing, but I've  
4 got some concerns about this.

5 CHAIRMAN: Yes.

6 COMMISSIONER OSTELL: The amounts that we spend on  
7 consultants and stuff if interested citizens are having, you  
8 know, want written copies --

9 CHAIRMAN: That was in a different budget year.

10 COMMISSIONER OSTELL: Yes, I understand.

11 CHAIRMAN: But anyway, we'll talk about it later,  
12 that's for sure.

13 COMMISSIONER OSTELL: Yes, we will.

14 CHAIRMAN: Judy Miller. Now, you're speaking as?

15 MS. MILLER: I'm speaking as Judy Miller.

16 CHAIRMAN: Two minutes.

17 MS. MILLER: Oh, please, please. All right.

18 CHAIRMAN: Go ahead, Judy.

19 MS. MILLER: I'm Judy Miller, and I live at 5920  
20 Halpine (phonetic sp.) Road, and that's right next to the  
21 Metro and the townhomes. Now, I've heard a lot about this  
22 plan, and how it's supposed to be so pedestrian friendly, and  
23 also so road friendly to get all this traffic through. Well,  
24 this grand scheme for pedestrian walkability and all this  
25 ambience I have to say that I walk the Pike several times a

1 week for shopping and services, and my husband takes the  
2 Metro down to K Street every day. So, yeah, I'm going to say  
3 I'm talking the talk, but I also walk the walk.

4           As to making it pedestrian friendly, I notice  
5 there's two extra lanes on one side, and a fast BRT bus going  
6 down the fast lane. And then there's this left parking lane  
7 which kind of concerns me because you've got to run out into  
8 traffic to get to the shops, or you've got to go into that  
9 fast lane traffic. So, I'm not real impressed with it. And  
10 then I counted 12 to 14 lanes if you keep adding all these  
11 turn lanes, and all these extra lanes, and all this to get  
12 across the Pike, if you're a pedestrian.

13           Just a word about K Street that everyone, the  
14 consultants want us to love. Well, you know, K Street's not  
15 that easy to get across either, and you can't get out of the  
16 parking lot, and the traffic is a nightmare.

17           Now, let's talk about fast lanes. It's confusing  
18 how much faster these lanes are going to be if you've still  
19 got the same stop lights, and you have the same turn signals  
20 there. On top of this every developer is dumping more  
21 projects there, and as everyone has said the way they're  
22 going to deal with this is get rid of the APFO and get rid of  
23 the traffic studies. I would suggest, though, you might want  
24 to look at maybe Prince Georges County could use some of this  
25 development, they say they have 14 Metros open for

1 development.

2           The Pike is very prosperous now, and it provides a  
3 variety of reasonable and needed shops and services. All  
4 these cookie cutter developments are not doing that well.  
5 They all want to have upper crust dining and living. Well,  
6 developers have not done that well, and Town Center is  
7 suffering because of all these excessive developments.

8           We have this myth, it's always the developers say  
9 that they're going to have more mixed use density, and more  
10 residences, but first everybody was going to take mass  
11 transit, that didn't work. Next, it was the live, work, play  
12 fantasy where everyone would live near their jobs, that  
13 didn't work. The newest one is we're going to have a  
14 lifestyle. While there are many illusions, or perhaps  
15 delusions about our area and development, the Pike is too  
16 important to base planning on anything but hard reality. We  
17 must not over crowd our region so traffic is backed up all  
18 the way to West Virginia. Mass transit does not have the  
19 capacity, or this new BRT either, to take care of this level  
20 of development. Walking and biking are great, but they, you  
21 know, have their limits, too.

22           So, to sum up, as a frequent Pike user I would like  
23 to see pedestrian access and safety improved on the Pike with  
24 better sidewalks, crosswalks, I'd like some more trees, also  
25 with traffic improvements. I'd like to see the same nice mix

1 of retail. I really don't want to have to drive all the way  
2 to Gaithersburg to get my t.v. And finally, I would like our  
3 energies and tax monies to be focused on the lives of our  
4 citizens, rather than funding mega development projects.  
5 Thank you.

6 CHAIRMAN: Thank you. Questions of Judy.

7 COMMISSIONER TRAHAN: I do.

8 UNIDENTIFIED COMMISSIONER: Of course.

9 CHAIRMAN: Dion.

10 COMMISSIONER TRAHAN: Ms. Judy, first thing I've  
11 got to ask you --

12 MS. MILLER: Oh, dear.

13 COMMISSIONER TRAHAN: No, no, no. Your accent?

14 MS. MILLER: It's from Texas. And the kids in the  
15 schools always call me Ms. Judy, too.

16 COMMISSIONER TRAHAN: Well, originally I'm from  
17 Louisiana, so I'm enjoying your accent. So, I --

18 MS. MILLER: Okay.

19 COMMISSIONER TRAHAN: -- appreciate that.

20 MS. MILLER: I'm glad someone does.

21 COMMISSIONER TRAHAN: But I also wanted to give the  
22 opportunity again, not to put words in your mouth and come  
23 across wrong, but did you find things in the plan that did  
24 strike your fancy, or that you did think was a good idea, or  
25 that you did like that was presented?

1 MS. MILLER: Just to improve the sidewalks and  
2 pedestrian access, you know, that sort of thing like that. I  
3 don't think we need to have all these extra development, and  
4 lanes, and all that.

5 COMMISSIONER TRAHAN: And you might have answered,  
6 and I apologize if I missed it, but someone earlier brought  
7 the idea about, or the criticism about having buses and the  
8 bike lanes --

9 MS. MILLER: Yes.

10 COMMISSIONER TRAHAN: -- and they disagreed with  
11 that. Did you answer that already, or would you --

12 CHAIRMAN: She didn't like it.

13 COMMISSIONER TRAHAN: Okay. Okay.

14 MS. MILLER: (Indiscernible.) No.

15 COMMISSIONER TRAHAN: Okay. All right. Thank you.

16 CHAIRMAN: The same thing as mentioned to Ms.  
17 Quesada that if you -- it's just one of the options of the  
18 Pike plan with BRT lanes on the outside. You know, you take  
19 a look at White Flint and see what they've done down there,  
20 and we may do either one of them. I mean, it's all in the  
21 realm of possibility. But see if that kind of boulevardian  
22 (phonetic sp.) arrangement suits you a little better, maybe.  
23 I have no other names of people who signed up ahead  
24 of time. However, I do know that there are some folks who  
25 would love to if the spirit of the moment moves them, some --

1 one name has been mentioned already, I don't see any movement  
2 in the back room yet. Rich Gottfried. I put your name on  
3 the list.

4 MR. GOTTFRIED: Okay. Thanks, John.

5 CHAIRMAN: You're speaking as?

6 MR. GOTTFRIED: Rich Gottfried.

7 CHAIRMAN: Okay. Three minutes.

8 MR. GOTTFRIED: Good evening, Planning Commission,  
9 City Staff, and citizens in the City of Rockville. It's been  
10 a long time since I've come in front of you to provide  
11 testimony on the Twinbrook neighborhood plan, and tonight's  
12 comments are with regard to the Rockville Pike plan.  
13 Specifically, I'm going to focus on the funding mechanisms  
14 and the economic strategies as mentioned in the plan.

15 The recommended funding mechanisms to pay for the  
16 public improves includes a three-way approach. Number one,  
17 ensure that a multi-way boulevard is funded priority from  
18 Montgomery County and the State of Maryland. With the  
19 current state of Maryland and Montgomery County's budget  
20 situation, good luck with this to-do item. Number two,  
21 creating tax increment financing districts to provide the  
22 City with substantial bonding capacity to provide needed  
23 public enhancements and improvements in the redevelopment,  
24 such as street scape, public amenities, and other development  
25 components.

1           Here we go again, the City of Rockville has not  
2 learned its lesson from development projects of this nature.  
3 We first must look at the shortcomings of the Rockville Town  
4 Center, a public/private partnership where we the citizens of  
5 Rockville are subsidizing the principle and interest payments  
6 for three parking garages every year forever because the  
7 revenues generated from the parking garages do not cover the  
8 expenditures. This is the same assumption the Rockville Pike  
9 plan, it has the same assumption. We ask that Mr. Cohen, the  
10 City's Chief Financial Officer, provide a detailed financial  
11 analysis of what the City of Rockville's subsidy is going to  
12 be for the Rockville Pike plan.

13           Here's a picture of the consultant's vision of the  
14 Rockville Pike plan. Mixed use buildings, curb to curb  
15 without any recreation facilities, or marquis retail shopping  
16 areas. Do you see anywhere where the Bye-Bye Baby Store,  
17 Staples, Bed, Bath & Beyond, Best Buy, or The Container Store  
18 are located in this picture? I do not, how about you?

19           The City of Rockville can borrow bonds at a rate of  
20 two to four percent. Why are we allowing the developers to  
21 use the City's good credit for borrowing on bonds to fund  
22 their private projects, with the developers making all the  
23 profits, and the citizens carrying the risks, the interest,  
24 the payments, and the principle. If you let the borrowers  
25 use our good credit and low cost to capital issue bonds to



1 fund this redevelopment we can say goodbye to our triple A  
2 bond rating.

3           The total cost of this project is \$826 million.  
4 The sad part is the City of Rockville doesn't even benefit  
5 from the redevelopment of the Rockville Pike. Who benefits?  
6 The State of Maryland and Montgomery County. How? The City  
7 of Rockville only generates \$1.5 million in new taxes to  
8 redevelop the Rockville Pike. The State of Maryland gets  
9 \$6.6 million. Montgomery County gets \$11.7 million. Total  
10 new taxes generated is \$19.8 million. The City of  
11 Rockville's share is only eight percent of this tax  
12 (indiscernible) that will fill (indiscernible) in Anapolis,  
13 but not in Rockville.

14           And by the way, the cost of borrowing \$126 million  
15 at four percent, \$33 million annually, Rockville's share is  
16 \$2.6 million of interest, not including paying down the bonds  
17 borrowed. It looks like another Rockville subsidy for  
18 Montgomery County and the State of Maryland at \$1.1 million  
19 per year; \$2.6 million of interest; less the \$1.5 million in  
20 new taxes.

21           In summary, the economic strategies of this  
22 public/private partnership do not stand up. The lack of  
23 funding by the developers to provide the total package of the  
24 buildings, sidewalks, parking garages, schools, and  
25 recreational facilities is not covered in the plan. The City

1 of Rockville's excellent bond rating is at stake. Why do you  
2 consultants assume that the City of Rockville is going to  
3 provide another subsidy for development? We will have future  
4 budget problems if we go ahead with the funding mechanisms as  
5 proposed in this draft plan.

6           The ICC was a vision 20 years ago. I had the  
7 opportunity to ride the ICC road from Georgia Avenue to 270,  
8 it's a nice road, but it's bankrupted the State of Maryland's  
9 transportation fund. Let's make sure that the consultants'  
10 tunnel vision for the Rockville Pike plan does not break our  
11 bank. Thank you very much for listening. My name is Richard  
12 Gottfried.

13           CHAIRMAN: Yes, we know your tag line. Questions  
14 of Rich? Anybody?

15           COMMISSIONER TRAHAN: I do.

16           UNIDENTIFIED COMMISSIONER: Of course.

17           COMMISSIONER HILL: I'd just like to mention, thank  
18 you for taking a look at the financial situation as a citizen  
19 and giving us that input on that.

20           CHAIRMAN: You have that in writing. I mean,  
21 that's the kind of stuff we really need.

22           MR. GOTTFRIED: I do. Sure. No problem.

23           COMMISSIONER OSTELL: Well, and you had talked to  
24 Gavin Cohen on these numbers?

25           MR. GOTTFRIED: I have not. I'm saying let's get

1 Gavin --

2 COMMISSIONER OSTELL: This is what you've  
3 generated?

4 MR. GOTTFRIED: Right. What happened was Gavin,  
5 you know, Gavin wasn't around when we did the Town Center,  
6 you know, the parking garages, it was someone before him.  
7 So, it's not fair to, you know, put it on him. But let's get  
8 him involved early so he can say hey, we're losing \$1.1  
9 million, or whatever the number is, you know, before we  
10 approve anything, you know.

11 CHAIRMAN: One of our work sessions is on finance,  
12 and I invite you to be there.

13 MR. GOTTFRIED: Okay.

14 CHAIRMAN: Dion, you have a question?

15 COMMISSIONER TRAHAN: I do. I do. So, Mr.  
16 Gottfried, I once heard, and this is not economic steadfast  
17 in any way, but to make money you've got to spend money, so  
18 if we try to do this plan again in 10 years down the road, or  
19 20 years down the road, I guess it's fair to presume that  
20 it's only going to be more expensive. So, that's really the  
21 only economy (phonetic sp.) thing I had to say about that.

22 MR. GOTTFRIED: Well, I mean, the old saying is,  
23 you know, I mean, we're hustling backwards, we're not even  
24 making money. You're saying, you know, the only way to make  
25 money is to spend money, even if we spend this money we're

1 losing money. So, even in business when you make money, you  
2 know, to spend money you've got to make money, you're doing  
3 it so that you make money. And we're spending money, \$826  
4 million, and we're losing our shirt.

5 UNIDENTIFIED COMMISSIONER: Somebody else  
6 (indiscernible).

7 COMMISSIONER TRAHAN: Well, my question is this, is  
8 there -- would there be any benefit to the City if this Pike  
9 plan would come to fruition?

10 MR. GOTTFRIED: Not for the --

11 COMMISSIONER TRAHAN: In its current form?

12 MR. GOTTFRIED: -- City of Rockville. Not for the  
13 City of Rockville. Montgomery County and the State of  
14 Maryland, yes.

15 COMMISSIONER TRAHAN: But not the boulevards, not  
16 the bike lanes? I'm just trying to play devil's advocate  
17 here, because you do have a great point, I'm just wondering  
18 if you see --

19 MR. GOTTFRIED: Right.

20 COMMISSIONER TRAHAN: -- any sort of silver lining  
21 in this plan?

22 MR. GOTTFRIED: I think --

23 COMMISSIONER TRAHAN: And if not, that's okay, too.

24 MR. GOTTFRIED: No, no. The silver lining, you're  
25 saying what's positive about this? I think redeveloping the

1 Rockville Pike, the streets, I think that's wonderful. I  
2 think it's great.

3 COMMISSIONER TRAHAN: Blocks, or --

4 MR. GOTTFRIED: We need it. No, the streets.

5 COMMISSIONER TRAHAN: The streets.

6 MR. GOTTFRIED: Right. I don't know why we went to  
7 the curb to curb. When the planning originally came out, and  
8 I was in one of the work sessions, what's the name, Longo?

9 COMMISSIONER TRAHAN: Yes.

10 MR. GOTTFRIED: Yes, Longo was mentioned talking  
11 about, you know, piazzas, you know, like in Spain, and  
12 France, and Italy, you know. I don't see any piazzas, all I  
13 see is wall to wall buildings. So, I don't know what  
14 happened from the piazzas to the curb to curb, so --

15 COMMISSIONER TRAHAN: Okay. Thank you.

16 MR. GOTTFRIED: The piazza sounded interesting. I  
17 like the piazzas.

18 CHAIRMAN: (Indiscernible) the right of way lines  
19 are still the same, they're just reconfigured, so it just  
20 looks different. Any other questions of Rich?

21 COMMISSIONER TRAHAN: No.

22 CHAIRMAN: Are you sure? Last chance. Rich  
23 Gottfried, thank you.

24 MR. GOTTFRIED: You're welcome.

25 CHAIRMAN: Other people in the audience who would

1 care to speak? Yes, sir?

2 MR. DOERR: Can I just make a couple of ad hoc  
3 comments?

4 CHAIRMAN: At the microphone, your name and address  
5 for the record.

6 MR. DOERR: My name is Tom Doerr, 306 Mt. Vernon  
7 Place. So, I haven't looked over much of the plan, haven't  
8 read any of it, I just wanted to come up and see what some of  
9 the comments of the people who were going to be giving  
10 testimony today was. So, I have no point or comments, no  
11 objective comments that I wanted to make, but there were a  
12 few things that came up during other people's testimony that  
13 they gave today that I wanted to chime in on. And I guess  
14 bus lanes is one of them. I was taken by the newspaper today  
15 that showed the two plans, the one from White Flint, and the  
16 one from the Rockville plan. One of them has a bus down the  
17 middle, and one of them has a bus on the sides, and  
18 personally, I don't like the one in the middle because if  
19 you're going to get off, if you need to get off the bus then  
20 you still have to cross traffic. I like the ones on the  
21 sides, but not if they're going to be high speed through put.  
22 These should be local buses. If you're going to have a long  
23 distance bus then you're competing against your Metro, and  
24 that's going to cannibalize some of your Metro travel. But  
25 that if Metro is already overloaded, and this is another

1 means of getting people to move through without using  
2 automobiles, okay, so be it. So, that may be one of your  
3 targets.

4           The idea of bike lanes being shared with other  
5 vehicular traffic from a personal point of view I don't think  
6 that that is necessarily the best way to go. I think  
7 bicycles should have if you're going to do a total redesign  
8 should have dedicated lanes. But that's my own personal  
9 opinion. If you put bicycles out there with cars, with  
10 buses, with pedestrians, then bicycles are simply tolerated,  
11 they are not actually being accommodated, okay, you're just  
12 tolerating them.

13           If you go into this redesign you're going to have  
14 more motor vehicle traffic. Motor vehicles have to be  
15 refueled. Are you still going to be maintaining the gas  
16 stations that you have now? Do you have plans in there for  
17 adding more gas stations? If we add other types of vehicular  
18 traffic, motorized vehicle traffic that uses electricity, you  
19 know, to recharge them is there -- do we have plans on the  
20 books, or how do we go forward with dealing with electric  
21 vehicles, not just making sure that we can fuel the vehicles  
22 that are coming in, not just passenger vehicles, but also  
23 diesel vehicles that would actually be doing deliveries in a  
24 more commercial setting.

25           When I first thought about the Pike plan going

1 forward I thought of the Bethesda area, okay. They have a  
2 lot of big buildings, they have some sidewalks along the  
3 front, but there are two things that are much different from  
4 Bethesda from what I can ascertain from the plan that we're  
5 putting forward. When I drive through Bethesda there are  
6 basically two lanes northbound and two lanes southbound,  
7 okay, that are fully usable at all times, you only have four  
8 lanes of traffic going through there and the speed is usually  
9 around 30 miles an hour. You do have some frontage there,  
10 wide sidewalks and frontage of businesses, okay, but the ones  
11 that I frequent are not on 355 through there, okay. The ones  
12 I frequent are farther off, and generally they are the older  
13 strip malls. A little costlier for me to go down there, but  
14 if I'm in that area and I need to go shopping I'm going down  
15 to the older strip mall style shopping. There's a real nice  
16 little area that goes down there, a couple two, three stories  
17 that have some restaurant sections, and then there are some  
18 older kind of dedicated two-story stuff where I may go to do  
19 some shopping or eating or stuff, and these are fairly  
20 accessible for me if I want to go down by Metro, by bicycle,  
21 or by car, that I can get in there and get out. But I'd be  
22 totally confused going into an area that doesn't offer these  
23 amenities. If I have to go find a parking garage, like if I  
24 want to go to Silver Spring, there are a few places that I go  
25 to in Silver Spring, but the places where I would go to



1 Silver Spring where I have to access a parking garage are  
2 places that I'm just not going to go, okay, because I still  
3 have that choice.

4           And then all of the businesses that I do business  
5 with here in Rockville, okay, all along the Pike, okay,  
6 whether it's Congressional Plaza, Congressional Plaza II,  
7 Federal Plaza, Wintergreen Plaza, Richie (phonetic sp.)  
8 Plaza, okay, those are all places I think that are on the  
9 south end of the Pike, okay, can I envision those places  
10 being in an upstructured kind of denser area? Okay. Can I  
11 see going to the little art supply place, okay, if it is in a  
12 great big giant building? Will the art supply place even  
13 want to be there? Okay. Will Fuddruckers want to be there?  
14 Will the NASA Federal Credit Union will they want to locate  
15 there? Okay. In case there are any NASA employees around  
16 here who, you know, need to go down and check on their  
17 banking and not do it online, maybe they need to go in there.  
18 The Revolution Bicycles, there's a couple of little  
19 restaurants there, there's an old sub shop, Kenny's Subs.  
20 Are these the kind of businesses that would relocate into an  
21 upscaled area? Are these businesses that are going to go  
22 over? Will I still be able to find them? Will I want to go  
23 to them?

24           All the grocery shopping I do I go to a regular  
25 grocery store. I know there's a Safeway down in Bethesda,

1 okay, that has a parking garage, okay, and it sort of has a  
2 stairway that goes in, and I think I've been in there once,  
3 okay, and I don't think I'll go back. I know that there's a  
4 Whole Food down at Tinley Town, okay, that has a parking  
5 garage right there next to a Metro, okay, I've been in there  
6 a couple --

7 CHAIRMAN: We get your point. Yes.

8 MR. DOERR: I've been in there a couple of times,  
9 okay. So are these transferable? The businesses that are  
10 there now are they transferable into the changed landscape?

11 Science City is coming, okay. How does this work  
12 with Science City being upscaled, and is it in Rockville's  
13 interest to build this way if you have Science City going on  
14 over there? Are you missing something in the trade?

15 And then somebody said something tonight about the  
16 type of housing they're planning to build there they're not  
17 going to have, they're not planning on for any children. Did  
18 I actually hear somebody say that? Is that -- I don't want  
19 to live in a place where there aren't children.

20 CHAIRMAN: Well, I think -

21 UNIDENTIFIED SPEAKER: (Indiscernible.)

22 CHAIRMAN: Okay.

23 UNIDENTIFIED COMMISSIONER: All right.

24 CHAIRMAN: Other point? Any questions --

25 MR. DOERR: No, those are my ad hoc comments.

1 CHAIRMAN: -- for Mr. Doerr?

2 UNIDENTIFIED COMMISSIONER: Thank you.

3 CHAIRMAN: Okay. Thank you very much.

4 COMMISSIONER OSTELL: I do have one quick question.

5 I thought --

6 CHAIRMAN: Kate?

7 COMMISSIONER OSTELL: -- at some point earlier in

8 the planning I had heard that the bike advisory board had

9 kind of signed off on the bus/bike route being combined?

10 MR. DOERR: Yes.

11 COMMISSIONER OSTELL: I had concerns about that

12 myself.

13 MR. DOERR: If you're talking about local buses,

14 okay, you know, that are going along and are servicing that

15 area, okay, along the Pike, then that sounds great. But if

16 you're talking about you're going to be -- that this is

17 actually a through put for buses then that isn't, that

18 doesn't work at all. And I'm not speaking for the RBAC

19 tonight, either. I'm just up here --

20 COMMISSIONER OSTELL: Okay.

21 MR. DOERR: -- up here for myself.

22 COMMISSIONER OSTELL: But their statement was

23 strictly with only local buses?

24 MR. DOERR: As they were looking at the plan, and

25 as it was understood that if you're going to share lanes like

1 that, and that's the only space that can be made available  
2 then that space is good. I really don't like putting  
3 bicycles on sidewalks in commercial, retail, or residential  
4 areas. You can do a few, like right now there's one percent  
5 of the population that might use a bicycle at a time, okay.  
6 So, you're not talking about a whole lot of people. But if  
7 you're going to get up to five or 10 percent of the  
8 population who are going to be using a bicycle, and you want  
9 them to share with pedestrians, or you want them to share  
10 with buses, or you want them to share with cars, they're  
11 totally different modes of transportation. And they're  
12 unequal, and they're unfair, and the only way that you can  
13 address it is through parody, which means you pretty much  
14 have to put in bike lanes if you want to address that. But  
15 those questions going forward are going to come through from  
16 a bicycle master plan going forward. It can't be answered in  
17 City structure right now.

18 CHAIRMAN: Okay. Thank you very much. Anyone else  
19 in the audience who would care to --

20 UNIDENTIFIED SPEAKER: (Indiscernible.)

21 CHAIRMAN: -- share some thoughts? Yes, sir? Name  
22 and address, speaking for yourself?

23 MR. FAHEY: Yes, I'm speaking for myself. I'm Tim  
24 Fahey, and I live at Holland Road here in Rockville.

25 MR. LEVY: Can we ask how you spell your name, sir.

1 MR. FAHEY: It's Fahey, F-A-H-E-Y.

2 MR. LEVY: Thank you.

3 MR. FAHEY: And I've been in Rockville pretty much  
4 all my life, my parents moved here when I was one month old,  
5 and so our family's kind of haunting this place for quite  
6 awhile. So, we know Rockville, we've been here for a long  
7 time, and we really feel that it has a certain character that  
8 nobody else has. I mean, it's very unique. One of the  
9 things that -- I am -- I do branding and marketing, and one  
10 of the things that I know that when we're developing any kind  
11 of mission, vision, value statement is that you really start  
12 with the values, because values dictate behavior. And when  
13 you all have to make decisions about things you have to sort  
14 of think about, you know, what do you believe in, and what do  
15 we stand for? And Rockville, I know they went through a  
16 branding process, whether or not it's exactly meeting their  
17 needs or not, I think that these are the kinds of decisions  
18 that leaders need to gauge their decisions on, it's not --  
19 they can't necessarily depend on attorneys, or financial  
20 people, in and of themselves, because they have to make  
21 decisions that have value to them.

22 My point that I wanted to make wasn't that, but I  
23 have a business on Rockville Pike, and I feel like we're in a  
24 situation when all this gets redeveloped we won't be there,  
25 it'll change from a class C building to a class A building,

1 and class A buildings, I don't know if you've ever rented in  
2 any of these places, are sky high, and it just seems that the  
3 only people who can afford class A buildings in this area are  
4 Montgomery County, which actually uses our tax money to be  
5 able to afford that. But they don't really care whether or  
6 not that they sell it because they're going to get the write  
7 off, and they're going to do what they want.

8           I know K Street because I used to have an office  
9 down there for about 10 years, and I got in there at \$20 a  
10 square foot, a class C building. And slowly they're building  
11 class A buildings, and they're going up to \$50 to \$100 a  
12 square foot. So, but (indiscernible) K Street, you know,  
13 they have lobbyists and all sorts of people down there that  
14 want to be there, plus they have four or five Metro stops  
15 within a few blocks, we don't have that.

16           I know for sure when you start putting class A  
17 buildings on Rockville Pike you are going to put at risks  
18 businesses that will not move in there, and so not only will  
19 we have a high risk of failure, we're going to have a  
20 Rockville Mall Boulevard, which is going to, you know, kill  
21 us. And so, it's going to be a billion dollar mistake.

22           So, I just wanted you to really think about what  
23 happens when you renovate. It looks pretty, and it looks  
24 really nice, but when you take out pretty much 80 percent of  
25 the people that are going to be on Rockville Pike, including

1 the people at the Woodmont Apartments, who are families that  
2 have found affordable housing, you know, you're displacing  
3 hundreds and hundreds of people who are families. They're  
4 not just, you know, your independent contractors out there,  
5 you know, that serves a valuable piece of our community,  
6 which is very diverse.

7 CHAIRMAN: Okay.

8 MR. FAHEY: Thank you.

9 CHAIRMAN: Thank you. Questions? Comments?

10 COMMISSIONER TRAHAN: Is there such thing as a  
11 credit for, like, you know, affordable housing for smaller  
12 businesses? Or say if you can only afford a class C -- and I  
13 have no idea what I'm talking about, so bear with me -- but  
14 if you have a class C budget, and the Pike plan calls for a  
15 class A space, does the City have some sort of program where,  
16 you know, you can move in and still operate your class C type  
17 business in a class A space?

18 CHAIRMAN: No.

19 UNIDENTIFIED SPEAKER: No.

20 MR. FAHEY: I doubt it, because it's --

21 UNIDENTIFIED COMMISSIONER: No.

22 MR. FAHEY: -- independently owned.

23 COMMISSIONER TRAHAN: Okay.

24 MR. FAHEY: The second thing is, I don't know if  
25 you know it or not, but I'm in one of Mr. Whalen's places at

1 1010 Rockville Pike, that whole strip down Rockville Pike is  
2 considered a hub zone, which is an underutilized economic  
3 development area. And for companies who move in those areas  
4 they have a special preference for government contracts. I  
5 don't know if you know that or not. I talked to Mayor  
6 Marcuccio about it, she didn't know about it.

7           So, I mean, in some ways it has value for  
8 businesses to be there because of that one strip. If you go  
9 to the Department of Labor on their website and look up hub  
10 zone, Rockville, Maryland you'll see that strip happens to  
11 look identical to that little strip that they have up here,  
12 which goes all the way from I think St. Mary's or Edmonson  
13 Drive all the way straight down to Congressional Plaza. So,  
14 I don't know if anybody --

15           CHAIRMAN: Sort of a slightly different kind of  
16 incubator business sort of a place for a lot of those  
17 businesses that are starting out there.

18           MR. FAHEY: Sure.

19           CHAIRMAN: (Indiscernible.)

20           MR. FAHEY: Yes, it is. It's the kind of incubator  
21 you don't actually have Indian firms come in to pay rent, and  
22 then they just out source everything, it's actually, you  
23 know, ordinary organizations that are in there. So, anyway,  
24 thank you.

25           CHAIRMAN: Okay. Thank you. Last chance, anybody



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1 get the urge to say something? Okay. With that we'll close  
2 the -- do I close, or are we going to carry it on till the --

3 MR. LEVY: I think you could continue it until  
4 March 16.

5 CHAIRMAN: Continue until March 16. Okay. Thank  
6 you all.

7 (Whereupon, the proceedings were continued until  
8 March 16, 2011.)

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DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that  
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of Rockville's Planning Board in the matter of:

ROCKVILLE PIKE PLAN

Meeting 05-11

A handwritten signature in black ink, reading "Paula Underwood", is centered on a light gray rectangular background.

By:\_\_\_\_\_

Date: March 21, 2011

Paula Underwood, Transcriber